THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 14 NUMBER 89

Washington, Tuesday, May 10, 1949

TITLE 3—THE PRESIDENT

PROCLAMATION 2837

NATIONAL MARITIME DAY, 1949

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the economic welfare and the national security of the United States are strengthened by our Merchant Marine; and

WHEREAS deficiencies in the Merchant Marine are now being overcome by the construction of the first passenger vessels to be built in this country since the end of hostilities in World War II; and

WHEREAS the present role of marine transportation invests with momentous significance the feat of the steamship *Savannah*, which sailed from Savannah, Georgia, on May 22, 1819, on the first successful transoceanic voyage under steam propulsion; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day in commemoration of that historic achievement and requested the President to issue a proclamation calling for the observance of the day; and

WHEREAS in the present year May 22 falls on Sunday, it is fitting and proper that the celebration of National Maritime Day take place on Monday, May 23:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Monday, May 23, 1949, by flying the flag of the United States at their homes or other suitable places.

I also direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings, and I request that all ships sailing under the American flag dress ship, on Monday, May 23, 1949, in honor of National Maritime Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of May in the year of our Lord nineteen hundred and forty-nine, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL] HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 49-3791; Filed, May 9, 1949; 12:00 m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter C—Civil Service Commission

PART 350—TERRITORIAL POST DIFFERENTIAL AND TERRITORIAL COST-OF-LIVING ALLOWANCES

EMPLOYEES COVERED

1. Section 350.2, *Employees and agencies covered*, is amended by the addition of the following at the end of the first sentence in the section: "including governors of territories as defined in the regulations in this part until such time as an act of Congress, effective after the date of this amendment, fixes their rates of basic compensation."

2. Section 350.3 is amended to read as follows:

§ 350.3 *Exclusion of certain employees.* No territorial post differential or territorial cost-of-living allowance shall be paid to Governors of Territories as defined in the regulations in this part except as provided in § 350.2; to foreign service officers and foreign service reserve officers under the Department of State; or, during the period of his contract, to any employee serving under a contract, as defined in § 350.1 (h), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of such contract for the period thereof.

(Sec. 202, Part II, E. O. 10,000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-3656; Filed, May 9, 1949; 8:46 a. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101), as amended, I hereby amend Part 550 of the Regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
550.1 Definitions.
550.2 Eligible sponsors.
550.3 Eligible airport development.
550.4 Project costs.
550.5 Procedure.

Sec.
550.6 Agency and co-sponsorship.
550.7 Performance of construction work.
550.8 Accounting and audit.
550.9 Grant payments.
550.10 Memoranda and hearings.
550.11 Forms.

AUTHORITY: §§ 550.1 to 550.11 issued under 60 Stat. 170.

§ 550.1 *Definitions.* All terms in the regulations in this part which are defined in the Federal Airport Act and are not defined in this section shall have the meaning given to them in the act. As used in this part, unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act (60 Stat. 170; 49 U. S. C. 1101), as amended.

(b) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(c) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(d) "Class 4 or larger airport" means an airport which, in the opinion of the Administrator, upon completion of the project proposed would meet generally the standards for a Class 4 or larger airport as set forth in the following Table of the Civil Aeronautics Administration Bulletin, "Airport Design," dated April 1, 1944:

AIRPORT SIZE PLANNING STANDARDS

Recommended minimum standards	Class I	Class II	Class III	Class IV	Class V
Length of landing strips [1]	1,800 to 2,700 feet	2,700 to 3,700 feet	3,700 to 4,700 feet	4,700 to 5,700 feet	5,700 feet and over.
Width of usable landing strips	300 feet	500 feet	500 feet	500 feet	500 feet.
Length of runways	None	2,500 to 3,500 feet	3,500 to 4,500 feet	4,500 to 5,500 feet	5,500 feet and over.
Width of runways	None	150 feet (night operations) 100 feet (day operations only).	200 feet (instrument) 150 feet (night operations)	200 feet (instrument) 150 feet (night operations).	200 feet (instrument). 150 feet (night operations).
Number of landing strips and runways [2] determined by percentage of winds including calms [3] covered by landing strip and runway alignment.	70 percent	75 percent	80 percent	90 percent	90 percent.
Facilities	Drainage; fencing; marking; wind direction indicator; hangar; basic lighting (optional)	Include class I facilities and lighting; hangar and shop; fueling; weather information; office space; parking.	Include class II facilities and Weather Bureau 2-way radio; visual traffic control; instrument approach system (when required); administration building, taxiways and aprons.	Same as class III	Same as class IV.

[1] All of the above landing strip and runway lengths are based on sea-level conditions; for higher altitudes increases are necessary. One surfaced runway of dimensions shown above is recommended for each landing strip for airports in classes II, III, IV and V.

[2] Landing strips and runways should be sufficient in number to permit take-offs and landings to be made within 22½° of the true direction for the percentage shown above of winds 4 miles per hour and over, based on at least a 10-year Weather Bureau wind record where possible.

[3] Calms: Negligible wind conditions of 3 miles per hour and under.

(e) "District Airport Engineer" means the director of a district office of the Airports Branch of a CAA regional office or his duly authorized representative.

(f) "Joint project" means any project sponsored by two or more sponsors.

(g) "National Airport Plan" means a plan for the development of public airports in the United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, and the Virgin Islands, prepared and revised annually by the Administrator.

(h) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the limits of currently available funds.

(i) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a Grant Agreement or Project Application submitted in accordance with the regulations in this part.

(j) "Regional Administrator" means the director of a CAA regional office or his duly authorized representative.

(k) "Superintendent of Airports" means the director of the Airports Branch of a CAA regional office or his duly authorized representative.

§ 550.2 *Eligible sponsors.* To be eligible to submit a Project Application under the regulations in this part, a sponsor must meet the following requirements:

(a) A sponsor must be a "public agency" as said term is defined and used in the act and may not be the United States or any agency thereof unless the project is located in the Territory of Alaska, in the Territory of Hawaii, in Puerto Rico, in the Virgin Islands or in a national park, national recreation area, national monument, or national forest;

(b) A sponsor (or the sponsors of a joint project, between them) must be legally, financially, and otherwise able and in a position: (1) to make all certifications, representations, and warranties contained in the Project Application Form, Form ACA–1624 (§550.11 (b)); (2) to make, keep and perform all assurances, agreements, and covenants contained in Parts III and IV of said Form; and (3) to meet all other applicable requirements of the act and of the regulations of this part.

(c) A sponsor (or the sponsors of a joint project, between them) must have or be in a position to obtain sufficient funds to meet the requirements of § 550.5 (c) (1), and must have or be in a position to acquire property interests meeting the requirements of § 550.5 (c) (2).

§ 550.3 *Eligible airport development*—(a) *Minimum requirements.* Each proposed project shall include sufficient airport development to provide a safe, usable, and useful airport facility or add materially to the safety or utility of an existing airport: *Provided,* That the Administrator may approve a project which does not meet this requirement when special conditions so warrant and in so doing may prescribe such special conditions as he determines to be necessary to protect the interests of the United States. To be eligible for inclusion in a project, an item of airport development must meet the following minimum requirements:

(1) The proposed airport development shall be within the scope of the latest revision of the National Airport Plan.

(2) The proposed airport development shall be in accordance with standards established or approved by the Administrator for the various types of development involved.

(3) If the proposed airport development involves further development of an existing Class 4 or larger airport, or the development of an airport which upon completion of the project will be a Class 4 or larger airport, current Congressional authorization for such development must have been granted pursuant to section 8 of the act.

(4) Unless specifically authorized by the Administrator, the proposed airport development shall not include any work which the sponsor of the project or any other non-Federal public agency is obligated to accomplish by reason of any previous agreement with or commitment to the United States.

(b) *Eligible types of airport development.* The Administrator will approve only airport development which falls within one or more of the classifications set forth in the following subparagraphs.

(1) *Construction work.* The following types of construction work shall be eligible for inclusion in a project:

(i) Preparation of an airport site or any portion thereof, including clearing, grubbing, filling and grading.

(ii) Dredging of seaplane anchorages and channels.

(iii) Drainage work either on or off an airport or airport site.

(iv) Construction, alteration and repair of administration, terminal and service buildings; airport control tower structures; shops for repair and maintenance of airport equipment, plant, and structures; seaplane ramps and docks; and any other buildings and structures necessary for the proper use, operation, management and maintenance of an air-

port as a public facility other than hangars and living quarters.

(v) Construction, alteration and repair of runways, taxiways, aprons, and automobile parking areas within the limits of an airport or airport site.

(vi) Construction, alteration and repair of access roads and walks either on or off an airport or airport site.

(vii) Fencing, landscaping, seeding and sodding of an airport or airport site.

(viii) Installation, alteration and repair of airport markers and airport lighting facilities and equipment.

(ix) Construction, installation and connection of utilities either on or off an airport or airport site.

(x) Removal, lowering, relocating, marking and lighting of airport hazards.

(xi) Clearing, grading, and filling to permit the installation of landing aids.

(xii) Relocation of roads and utilities necessary to permit airport development.

(xiii) Such other work as may be specifically approved by the Administrator.

(2) *Land acquisition.* The acquisition of land or of any interest therein, or of any easement through or other interest in air space, shall be eligible for inclusion in a project when such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether or not such development is to be accomplished as part of the Federal-aid Airport Program; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit the removal, lowering, relocation, or marking and lighting of existing airport hazards; or

(iv) To permit the installation of landing aids; or

(v) To permit proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this subparagraph shall include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements thereon constituting a part of the realty.

§ 550.4 *Project costs*—(a) *Eligibility.* All project costs, as defined in section 2 (a) (6) of the act, including the value of land, labor, materials and equipment donated, contributed or loaned to the sponsor and appropriated to the project by the sponsor, shall be eligible for consideration as to their allowability except the following:

(1) Any cost of obtaining title to or the use of any lands or any interests in air space under section 16 of the act.

(2) That portion of the cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the act.

(3) That portion of the cost of acquiring a privately owned existing airport which represents the cost of acquiring buildings which are subsequently to be used as hangars or living quarters at such airport.

(4) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor where (i) such materials and supplies were used for airport development prior to the execution of the Grant Agreement, or (ii) such costs are not supported by proper evidence of quantity and value.

(5) The purchase price of machinery, tools, or equipment purchased by a sponsor for use in accomplishing work under a project by sponsor's force account.[1]

(6) The costs of general area, urban, or state-wide planning of airports, as distinguished from the planning of a specific project.

(b) *Allowability.* In order to be an allowable project cost, for the purpose of computing the amount of a grant, each item of project costs paid or incurred must, in the opinion of the Administrator, meet the following conditions:

(1) It must have been a necessary cost incurred in accomplishing airport development in conformity with the approved plans and specifications for an approved project and with the terms and conditions of the Grant Agreement entered into in connection with such project.

(2) It must be reasonable in amount (if not reasonable in amount, it shall be subject to partial disallowance in accordance with section 13 (3) of the act).

(3) It must have been incurred subsequent to the date of execution of the Grant Agreement, except that costs of land acquisition, field surveys, planning, and the preparation of plans and specification, and administrative and incidental costs, shall be allowable though incurred prior to the execution of such Grant Agreement: *Provided,* That no item of project cost shall be allowable if incurred prior to May 13, 1946.

(c) *United States share of project costs.* The United States share of the allowable project costs of a project shall be determined as provided in the following subparagraphs.

(1) *Project costs other than land acquisition costs*—(i) *Class 3 or smaller airports.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act, and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES PERCENTAGE SHARE OF ALLOWABLE PROJECTS COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

State	Percentage	State	Percentage
Arizona	60.83	Oklahoma	51.39
California	54.16	Oregon	56.02
Colorado	53.33	South Dakota	53.09
Idaho	56.29	Utah	61.88
Montana	53.53	Washington	51.78
Nevada	62.50	Wyoming	57.49
New Mexico	56.90		

[1] This is not to be construed as excluding the fair rental value of machinery, tools, or equipment owned by a Sponsor as project costs eligible for consideration as to their allowability.

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of land acquisition.

(ii) *Class 4 or larger airports.* The United States share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 4 or larger airport, wherever located, shall be computed as follows:

(*a*) For that portion of the total allowable project costs of such a project (other than costs of land acquisition) which when added to all such costs of other projects for development of the same airport, is $5,000,000 or less, the percentage used in determining the United States share of such costs shall be the percentage which would apply if the project were one for the development of a Class 3 or smaller airport, as prescribed in subdivision (i) of this subparagraph;

(*b*) For each additional $1,000,000 or portion thereof over and above such $5,000,000 figure and up to and including $11,000,000, the percentage used in determining the United States share of such portion of the allowable project costs of such a project (other than costs of land acquisition) shall be 5 percent less than the percentage applicable to the next lower $1,000,000;

(*c*) For that portion of the allowable project costs of such a project (other than costs of land acquisition) above such $11,000,000 figure, the percentage used in determining the United States share of such portion shall be the same as the percentage applicable to allowable project costs between $10,000,000 and $11,000,000.

The application of this formula in the Territories, Puerto Rico, the Virgin Islands, and states other than public lands states, is shown in the following table:

Increments of aggregate allowable project costs (other than land acquisition costs)	United States share in Territory of Hawaii, Puerto Rico, the Virgin Islands, and States other than Public Lands States			United States share in Alaska and the Virgin Islands
	Percentage	Federal share	Cumulative Federal share	
First $5,000,000	50	$2,500,000	$2,500,000	75
Next $1,000,000	45	450,000	2,950,000	70
Next $1,000,000	40	400,000	3,350,000	65
Next $1,000,000	35	350,000	3,700,000	60
Next $1,000,000	30	300,000	4,000,000	55
Next $1,000,000	25	250,000	4,250,000	50
Next $1,000,000	20	200,000	4,450,000	45
Portion exceeding $11,000,000	20			45

(2) *Land acquisition costs.* The United States share of the project costs of an approved project which represent costs of land acquisition shall be 25 percent of the allowable costs of such acquisition regardless of the size or location of the airport to be developed.

§ 550.5 *Procedure*—(a) *Request for Federal aid.* An eligible sponsor desiring to obtain Federal aid for the accomplish-

ment of eligible airport development shall submit to the District Airport Engineer of the District in which the sponsor is located a Request for Federal Aid on Form ACA–1623 (§ 550.11 (a)). All such Requests for Federal Aid will serve as the basis and justification for inclusion of proposed projects in the Program and will be considered as preliminary notices of intent on the part of sponsors to participate in the Federal-Aid Airport Program.

(b) *Tentative allocation of funds.* If a proposed project is selected by the Administrator for inclusion in the Program, the Administrator will make a tentative allocation of funds for such project and will transmit a notice of such allocation to the sponsor through the District Airport Engineer. Such tentative allocation will be subject to withdrawal upon failure of the sponsor to submit an acceptable Project Application pursuant to paragraph (c) of this section or to proceed with the project with due diligence.

(c) *Project application.* As soon as practicable after receipt of notice of tentative allocation for a proposed project, a sponsor shall prepare a Project Application on Form ACA–1624 (§ 550.11 (b)) and submit such Application to the District Airport Engineer. A Project Application shall be executed by the sponsor without change in the language of the form unless prior approval for deviation therefrom has been obtained from the Administrator: *Provided,* That in the case of a joint project, each sponsor may execute only those provisions of the Project Application which are applicable to the particular sponsor. At the discretion of the Regional Administrator a sponsor which has executed a Grant Agreement for a project for development of an airport under the Program will be permitted to submit additional project applications for further development of such airport on Form ACA–1624.1 (§ 550.11 (c)).

(1) *Funds.* Each Project Application submitted by a sponsor which is to furnish all or any portion of the project funds not to be furnished by the United States, shall state that such sponsor has on hand, or show that it is in a position to obtain as and when needed, funds sufficient to pay all estimated costs of the proposed project which are not to be borne by the United States or by another sponsor: *Provided,* That if any of such funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor by a State agency or any other public agency which is not itself to be a sponsor of the proposed project, evidence satisfactory to the Administrator that such funds will be so provided if the proposed project is approved may be submitted by the public agency which is to provide the funds rather than by the sponsor.

(2) *Lands.* Each Project Application submitted by a sponsor shall state all of the property interests which the sponsor then holds in all lands [2] to be developed or used as part of or in connection with the airport as it will be upon completion of the proposed project. In addition, each Project Application shall contain a covenant on the part of the sponsor to acquire prior to the start of any construction work under the project, or if the lands in question are not needed for such construction, within a reasonable time, property interests satisfactory to the Administrator in all of the lands [2] in which it does not hold such property interests at the time its Project Application is submitted: *Provided,* That in the case of a joint project, the necessary property interests may be held or acquired by any one or combination of the sponsors, in which event, the Project Application of each individual sponsor may show only those property interests which that particular sponsor holds or is to acquire. Each Project Application shall be accompanied by a property map designated as "Exhibit A" which shall clearly identify and show all lands described above, designating all prior and proposed acquisitions of property interests in any of such lands for which Federal aid is requested under the proposed project.

(3) *Property interests.* In general, the property interest which a sponsor or sponsors must have or agree to acquire in all lands to be used for landing area or building area purposes in order to meet the requirements of subparagraph (2) of this paragraph is either: (i) Title free and clear of any reversionary interest, lien, easement, lease or other encumbrance which, in the opinion of the Administrator, would be of such a nature as to create an undue risk that its existence might deprive the sponsor or sponsors of possession or control of such lands, interfere with their use for public airport purposes, or make it impossible for the sponsor (or any sponsor of a joint project) to carry out and perform any of the assurances, agreements, and covenants contained in Parts III and IV of the Project Application Form (§ 550.11 (b)); or (ii) a long-term leasehold estate granted to the sponsor or sponsors by another public agency having such title, on terms and conditions satisfactory to the Administrator. With respect to "off-site" areas, the minimum property interest which a sponsor or sponsors must have or agree to acquire in the lands comprising such areas, in order to meet the requirements of subparagraph (2) of this paragraph, is an easement or leasehold estate which, in the opinion of the Administrator, is sufficient to provide reasonable assurance that the sponsor or sponsors will not be deprived of its or their right to occupy and use such lands for the purpose intended during whatever period of time such use may be necessary in order to meet the requirements of the regulations in this part.

(4) *Plans and specifications.* Each Project Application shall incorporate by reference plans and specifications describing all items of airport development for which Federal aid is requested under the proposed project, which plans and specifications shall be submitted with the Project Application unless previously submitted or submitted with the Project Application of another sponsor of the proposed project. Such plans and specifications shall be prepared so as to provide for accomplishment of the proposed project in accordance with the provisions of the regulations of this part and with all applicable local laws and ordinances and regulations and shall be in final form: *Provided,* That in special cases, the Administrator may authorize postponement of the submission of final plans and specifications until a later date to be specified in the Grant Agreement, if the sponsor has submitted preliminary plans and specifications prepared in sufficient detail to identify all items of airport development included in the project.

(d) *Offer.* Upon approval of a project the Administrator will make an offer to the sponsor or sponsors to pay the United States share of the allowable project costs of the project. Such offer will be transmitted to the sponsor or sponsors and will state a definite amount as the maximum obligation of the United States. Such offer shall be subject to revision, amendment, modification or withdrawal by the Administrator at his discretion at any time prior to acceptance thereof by the sponsor or sponsors (see § 550.11 (d) for description of general form of offer).

(e) *Amendment of offer.* If, in the opinion of the sponsor or sponsors, the amount of the maximum obligation of the United States stated in an offer is insufficient to cover the United States share of the allowable project costs, the sponsor or sponsors may request a revised offer, transmitting such request to the Administrator through the District Airport Engineer.

(f) *Acceptance of offer.* An offer shall be accepted by the sponsor or sponsors within sixty (60) days from the date thereof unless otherwise authorized by the Administrator. Such acceptance shall be made by execution of the offer in the manner prescribed therein, by an official of the sponsor who has been duly authorized to take such action by resolution or ordinance of the governing body of the sponsor. Said resolution or ordinance shall be adopted by the sponsor's governing body at a meeting held pursuant to all applicable local laws and ordinances and shall set forth at length the terms of the offer and shall specifically ratify and adopt all statements, representations, warranties, covenants and agreements contained in the Project Application. A certified copy of such resolution or ordinance shall be attached to each executed copy of an accepted offer or Grant Agreement delivered to the Administrator.

(g) *Grant agreement.* An offer of the Administrator to pay a portion of the allowable project costs and an acceptance thereof by the sponsor or sponsors in accordance with paragraph (f) of this section shall constitute a Grant Agreement between the sponsor or sponsors and the United States. Unless and until such a Grant Agreement has been executed with respect to a project in accordance with the requirements of the regulations in this part, the United States shall not pay or be obligated to pay any portion of the project costs which have been or may be incurred in carrying out the project. (See § 550.11 (d) for de-

[2] As used herein, the term "lands" includes among other areas, landing areas, building areas, and areas required for "off-site" construction, access roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

scription of general form of grant agreement.)

(h) *Amendment of grant agreement.* When mutually agreed upon between the Administrator and the sponsor or sponsors of a project, a Grant Agreement may be amended after execution thereof, if:

(1) The amendment will not increase the maximum obligation of the United States under such Grant agreement,

(2) The amendment provides only for airport development within the scope of the latest revisition of the National Airport Plan, and

(3) The Administrator determines that such amendment is necessary to protect or advance the interests of the United States in civil aviation.

Upon agreement for amendment, the Administrator will issue to the sponsor or sponsors a supplementary agreement incorporating the amendments as approved. Such agreement shall be executed by the sponsor or sponsors in accordance with the regulations governing acceptance of an offer (paragraph (f) of this section).

(i) *Projects for rehabilitation or repair for which the sponsors have requested reimbursement under section 17 of the act.* Section 17 of the act and Part 560 of the regulations of the Administrator provide for reimbursement to public agencies for the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. The rehabilitation or repair of a damaged area (as defined in § 560.1 (f) of Part 560 of this chapter) or damaged facility (as defined in § 560.1 (g) of Part 560) may be accomplished by restoration (as defined in § 560.1 (o) of Part 560) of the area or facility or by betterment (as defined in § 560.1 (d) of Part 560) of such area or facility. In either case, the amount of reimbursement payable under section 17 is limited to and may not exceed the cost of restoration. Ordinarily, in cases involving betterment, the cost of the rehabilitation or repair to be accomplished will exceed the amount of reimbursement payable therefor. If the estimated cost of such an item or items of rehabilitation or repair (item of betterment) does exceed the amount of reimbursement payable therefor, the public agency may submit, subject to the applicable requirements of the act and the regulations in this part, a Project Application on Form ACA–1624 requesting approval of a project under this part for the accomplishment of such item or items of betterment. Such a Project Application should describe the item or items of betterment as the airport development to be accomplished and should be limited to such development, should identify the request for reimbursement which has been made by the sponsor, state the current status of such request as known to the sponsor, and set out in the summary of estimated project costs all costs involved. Such a Project Application should be submitted prior to certification to the Congress (pursuant to section 17) of the cost of the rehabilitation or repair which would result from accomplishment of the item or items of betterment contemplated, if a project under the Federal-aid Airport Program is planned at that time, or as soon thereafter as possible. If such a certification is made and the project is approved by the Administrator, the grant offer tendered to the sponsor will provide for payment of the United States share, not to exceed a stated maximum amount, of the allowable project costs of the items of betterment included in the project, in excess of the amount of reimbursement for such items included in said certification. If such an offer is accepted by the sponsor, partial grant payments of the United States share of allowable project costs will be made as the project work progresses and costs are incurred therefor, in accordance with the provisions of the grant agreement and the principles stated in § 550.9 (b), and if funds for the items of betterment included in the project have been appropriated pursuant to the certification, progress reimbursement payments may be made simultaneously in accordance with Part 560 of this chapter.

§ 550.6 *Agency and co-sponsorship*—(a) *General.* In the case of any project in which two or more public agencies desire to participate to any extent, either in accomplishing airport development under the project or in the maintenance and operation of the airport, the participating public agencies shall comply with the provisions of this section with respect to either co-sponsorship or agency: *Provided,* That a public agency which desires to participate in a project only by contributing funds to a sponsor need not become a sponsor of the project nor an agent of the sponsor as provided in this section, and any funds so contributed will be considered as funds of the sponsor for purposes of the act and the regulations in this part.

(b) *Co-sponsorship.* Any two or more public agencies desiring to participate in a project may serve as sponsors of such a project if they meet all applicable requirements of the regulations in this part including the following:

(1) Each sponsor shall meet the eligibility requirements of § 550.2.

(2) The sponsor shall submit a single Project Application, executed by all of the sponsors, clearly indicating the certifications, representations, warranties and obligations made or assumed by each individual sponsor: *Provided,* That if the sponsors so desire, each sponsor may submit a separate Project Application which does not meet all the requirements of the regulations in this part if, in the opinion of the Administrator, the Project Applications submitted by all sponsors collectively meet the requirements of the regulations in this part as applied to a project sponsored by a single sponsor.

(3) Each Project Application submitted by sponsors which are not willing to assume, jointly and severally, all of the obligations to the United States required to be assumed by a sponsor, shall be accompanied by a true copy of an agreement between the sponsors, satisfactory to the Administrator, which will be incorporated in and become a part of the executed Grant Agreement. Each such sponsor's agreement shall set forth:

(i) The responsibilities of each sponsor to the others with respect to the accomplishment of the development proposed and the subsequent operation and maintenance of the airport;

(ii) The obligations which each proposes to assume to the United States; and

(iii) The sponsor or sponsors which will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project as provided in § 550.5 (d), such offer will contain a specific condition stating that the offer is made in accordance with the terms of the agreement between the sponsors, which agreement will be incorporated therein by reference, and that, by acceptance of the offer, each of the sponsors assumes only its respective obligations as agreed upon in said agreement between the sponsors.

(c) *Agency.* If a public agency so desires and such action is required or permitted under state or local laws, it may, with or without participating financially, serve as agent of the public agency which is to own and operate the airport and need not itself become a sponsor of the project. In all such cases, an agency agreement clearly outlining the terms and conditions of the agency and the authority vested in the agent to act for and on behalf of the sponsor shall have been entered into, which agreement must be satisfactory to the Administrator. Such agency agreement shall have been executed on behalf of the sponsor pursuant to authority granted by its governing body at a meeting held in accordance with all applicable state and local laws. A true copy of the agency agreement shall be submitted with the sponsor's Project Application. If an offer is made to a sponsor as provided in § 550.5 (d) where an agency relationship exists between such sponsor and some other public agency, such offer may be accepted by the agent in the name and on behalf of the sponsor only if such acceptance has been specifically and lawfully authorized by the governing body of the sponsor and such authority is specifically set forth in the agency agreement.

§ 550.7 *Performance of construction work*—(a) *General.* All construction work under any project shall be accomplished by contract unless the District Airport Engineer determines that the project, or any portion thereof, can be more effectively and economically accomplished through use of sponsor's force account. In no instance will such use of force account be approved for work under any one project in the continental United States if the estimated United States share of the cost of all work accomplished or to be accomplished under such project by force account (including related engineering costs but excluding costs incurred in the preparation of plans and specifications) exceeds $15,000.

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project:

(1) Unless some other method is approved by the Regional Administrator for use on a particular project, all such contracts in excess of $2,000 shall be awarded on the basis of public advertisement and open competitive bidding in the same manner as provided by local law for the letting of public contracts.

(2) There shall be no advertisement for bids on or negotiation of such a contract until the Regional Administrator has approved the plans and specifications and has furnished the sponsor a schedule of the minimum wage rates which the contractor shall pay skilled and unskilled labor, as determined by the Secretary of Labor. Such minimum wage rates shall be stated in the invitation for bids or incorporated therein by reference to a schedule of minimum wage rates contained in the advertised specifications. Prior thereto, at a time specified by the District Airport Engineer, the sponsor shall submit to the District Airport Engineer a list of the various classes of labor to be employed in the proposed work, together with a suggested schedule of the minimum wage rates for each such class.

(3) No such contract shall be awarded except with the written concurrence of the District Airport Engineer as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. The sponsor shall submit to the District Airport Engineer after the opening of bids a tabulation thereof and its recommendations for award. Ordinarily, such concurrence will not be given for acceptance of other than the lowest bid received. However, if the sponsor considers the lowest bidder unqualified, incapable, or not responsible, the next lowest bidder may be recommended for approval, giving full justification for the proposed action.

(c) *Compliance with local laws.* All contracts shall meet the requirements of local laws.

(d) *Contract requirements.* All construction contracts let by a sponsor with respect to any project shall contain, in addition to such other provisions as may be necessary to ensure accomplishment of the work involved in accordance with the sponsor's Grant Agreement provisions requiring:

(1) That the contractor obtain the prior written consent of the sponsor to any proposed assignment of any interest in or part of the contract.

(2) That no convict labor be employed under the contract, and that in the employment of labor (except executive, administrative, or supervisory) preference be given, where they are qualified, to individuals who served in the military services of the United States as defined in section 101 (1) of the Soldiers and Sailors Civil Relief Act of 1940 and who have been honorably discharged from such service: *Provided*, That such preference shall apply only where such labor is available locally and qualified to perform work to which the employment relates.

(3) That the contractor pay all skilled and unskilled labor employed under the contract not less than minimum wage rates pre-determined by the Secretary of Labor for such labor.

(4) That the contractor comply with the so-called "Kick-back Statute", Public Law 324, 73d Congress (48 Stat. 948), and the regulations issued by the Secretary of Labor pursuant thereto, 29 CFR, Supps., Part 3, 13 F. R. 524.

(5) That the contractor permit the Administrator or his duly authorized representatives to inspect and review all work, materials, payrolls, records of personnel, conditions of employment, invoices of materials, books of account, and other relevant data and records with respect to the contract.

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until the sponsor has issued to the contractor a written notice to proceed with such work. No such notice to proceed shall be issued until the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and has satisfied the Regional Administrator that the required property interests in all lands on which construction work will be performed under the project have been acquired by such sponsor or some other sponsor of the project.

(f) *Change orders.* No sponsor shall issue any change order under any of its construction contracts unless such change order has been approved in writing by the District Airport Engineer. Such change orders shall be on a form satisfactory to the District Airport Engineer and three copies thereof shall be submitted to the District Airport Engineer at the time approval is requested.

(g) *Payments to the contractor.* A sponsor may make partial payments to a contractor on the basis of an estimate of work performed and materials delivered to the site as may be provided for in the contract.

(h) *Force account work.* Before undertaking any construction work by sponsor's force account, a sponsor shall obtain the written approval of the District Airport Engineer. In requesting such approval a sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by sponsor's force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material and equipment, together with adequate supervisory, engineering, and inspection personnel will be provided;

(4) A detailed estimate of cost of such force account work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

Whenever an application for grant payment involving sponsor's force account work is made by a sponsor pursuant to § 550.9, such application shall be accompanied by a periodic cost estimate for such work on Form ACA–1629 (§ 550.11 (e)).

(i) *Owner contracts.* Contracts with the owners of airport hazards, buildings, pipe lines, power lines, or other structures or facilities, for the installation, extension, removal or relocation thereof, are exempt from the requirements of this section except that a sponsor shall obtain the approval of the District Airport Engineer before entering into any such contract.

§ 550.8 *Accounting and audit*—(a) *Accounting procedure.* Each sponsor shall establish and maintain an accounting system adequate to permit determination by the Administrator of the allowable costs of the project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, whenever required, cost data in the following cost classifications:

(1) Purchase price or value of land.

(2) Incidental costs of land acquisition.

(3) Costs of contract construction.

(4) Costs of force account construction.

(5) Engineering costs of plans and designs.

(6) Engineering costs of supervision and inspection.

(7) Other administrative costs.

(b) *Project accounts and records*—(1) *Project accounts.* All funds to be expended in payment of project costs (including funds of the sponsor and funds received from the United States or from other sources) shall be deposited with an official, or officials, or depository, authorized by law to receive public funds, as may be designated by the sponsor or sponsors, and shall be maintained in an account separate and distinct from all other funds, designated "Federal Airport Project (name of airport)" *Provided*, That no separate project account need be maintained for a project consisting of land acquisition only. No funds so deposited shall be withdrawn except in payment of project costs of the project or as reimbursement for funds advanced for such purpose by the sponsor or some other public agency.

(2) *Cost evidence.* A sponsor shall secure and retain in its files documentary evidence such as invoices, cost estimates, and pay rolls supporting each item of project costs.

(3) *Payment evidence.* A sponsor shall retain in its files evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(c) *Audits.* A sponsor shall permit authorized representatives of the Administrator to audit the project records and accounts to determine the allowability of project costs and the amount of Federal participation in the cost of the project. Progress audits may be made at any time during the life of the project at the discretion of the Regional Administrator. If work is suspended on the project for an appreciable length of time, an audit will be made prior to a semifinal grant payment, as provided in § 550.9 (c). A final audit will be made prior to final payment, as provided in § 550.9 (d).

§ 550.9 *Grant payments*—(a) *Land acquisition payments.* If an approved project includes land acquisition as an item of airport development, the sponsor, may at any time after it has executed the Grant Agreement, make application to the Administrator, as provided in paragraph (e) of this section, for payment of the United States share of the allowable project costs of any such land acquisition, including any acquisition completed prior to execution of the Grant Agreement which is part of the airport development included in the project.

(b) *Partial grant payments*—(1) *General.* Partial grant payments for all allowable project costs will be made to a sponsor from time to time as the work on a project progresses and such costs are incurred, upon application therefor as provided in paragraph (e) of this section. In the absence of an agreement otherwise, a sponsor may apply for such partial payments on a monthly basis.

(2) *Amount of partial grant payments.* Except as otherwise provided, partial grant payments will be made in amounts sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for such payment. No such payment will be made which would bring the aggregate amount of all partial payments for a project to more than 90% of the estimated United States share of the total estimated costs of all airport development included in the project, or 90% of the maximum obligation of the United States as stated in the Grant Agreement, whichever amount is lower. In determining the amount of a partial grant payment, the Regional Administrator will deduct both from the amount of project costs incurred and from the amount of the estimated total project costs, those project costs which he may deem of questionable allowability.

(c) *Semi-final grant payments.* Whenever construction work on a project is suspended for an appreciable length of time and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all such costs, a semi-final grant payment may be made in an amount sufficient to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred even though such amount may be in excess of the 90% limitations specified in paragraph (b) (2) of this section, but in no event to an amount in excess of the maximum obligation of the United States as stated in the Grant Agreement.

(d) *Final grant payments*—(1) *General.* At such time as a project has been wholly completed in accordance with the terms of the Grant Agreement, an application for final grant payment may be filed as provided in paragraph (e) of this section. The Administrator will make final grant payment thereon only when he has determined that the following conditions have been met:

(i) A final inspection of all work at the project site has been conducted by the representatives of the Administrator, the sponsor, and the contractor;

(ii) A final audit of the project account has been completed by representatives of the Administrator;

(iii) The sponsor has furnished the final "as constructed" plans, unless otherwise agreed to by the Regional Administrator.

(2) *Amount of final grant payments.* Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by paragraph (e) of this section, the Administrator will determine the total amount of the allowable project costs of a project and pay the sponsor the United States share of such amount less the total amount of all prior grant payments: *Provided,* That the aggregate of all grant payments for a project shall not exceed the amount stated in the Grant Agreement for such project as the maximum obligation of the United States with respect thereto.

(e) *Application for grant payments.* All applications for grant payments shall be made on Form ACA–1625.1 (§ 550.11 (f)), accompanied by (1) a summary of project costs on Form ACA–1630 (§ 550.11 (g)), (2) a periodic cost estimate on Form ACA–1629 (§ 550.11 (e)) for each contract or force account representing costs for which payment is requested, and (3) such supporting information, including appraisals of property interests, as may be required by the Regional Administrator to permit the determination of the allowability of any costs for which payment has been requested.

(f) *Excess grant payments.* If upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments made to the sponsor is in excess of the total United States' share of allowable project costs of the project, such excess shall be returned promptly by the sponsor to the United States.

§ 550.10 *Memoranda and hearings*—(a) *Memoranda.* At any time prior to the issuance of a grant offer for a project by the Administrator, any public agency, person, association, firm, or corporation having a substantial interest in the disposition of the project application for such project, may file a memorandum in support thereof or in opposition thereto with the Administrator through the District Airport Engineer of the district in which the project is located. Such party may request a public hearing with respect to the location of the airport the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a publice hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of the subject project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The place of hearing will be at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or sponsors, and to such other persons as the Administrator deems necessary.

(c) *Procedure.* Any public hearing under paragraph (b) of this section will be conducted on behalf of the Administrator by such examiner or examiners as the Administrator may designate. Such examiner or examiners shall decide the time to be consumed, the type of testimony to be heard, and all other matters with respect to the conduct of the hearing.

(d) *Records.* A hearing will be recorded in such form and manner as may be determined by the examiner or examiners and the record so made shall become a part of the record of the project application.

§ 550.11 *Forms.* The purpose of this section is to describe the various forms referred to in the foregoing sections of this part. Copies of such forms and assistance in the completion and execution thereof may be obtained by a sponsor from the District Airport Engineer of the CAA district in which the project is located.

(a) *Request for Federal Aid, Form ACA–1623 (4–48).* This form consists of a statement requesting Federal aid in carrying out a project under the act, together with appropriate spaces for insertion of information relating to: The location of the airport or airport site; the amount and source of funds to be used by the sponsor in payment of that part of the project costs which are not to be paid with United States funds; a general description of the proposed work; and the estimated cost of the proposed work. It is to be executed by an appropriate official of the prospective project sponsor.

(b) *Project Application, Form ACA–1624 (5–49).* This form, which is also to be executed by an appropriate official of the project sponsor, consists of four parts, as follows:

(1) *Part I: Project information.* This part contains the sponsor's application for a grant of Federal funds to aid in financing a particular project. Appropriate spaces are provided for insertion of the name of the sponsor, the name and location of the airport to be developed, the description of the proposed airport development, and an estimate of the costs of the project.

(2) *Part II: Representations.* This part contains six representations and certifications of the sponsor of the project, reading as follows:

1. *Legal authority.* The sponsor has the legal power and authority: (1) To do all things necessary in order to undertake and carry out the Project in conformity with the Act and the Regulations; (2) to accept, receive, and disburse grants of funds from the United States in aid of the Project, on the terms and conditions stated in the Act and the Regulations; and (3) to carry out all of the provisions of Parts III and IV of this Project Application.

2. *Funds.* The Sponsor now has on deposit, or is in a position to secure, $------ for use in defraying the costs of the Project.

The present status of these funds is as follows: [Space is provided here in which the sponsor is to insert sufficiently detailed and documented information to permit it to be determined that "sufficient funds are available for that portion of the project costs which is not to be paid by the United States", as required by Section 9 (d) of the Act. This information should include the amount of money available for the project which is then on deposit to the credit of the sponsor, the amount available from any other source but not then in the possession or control of the sponsor (together with the nature of any assurances received by the sponsor that such funds will be furnished), and the amount which remains to be raised by the sponsor by the sale of bonds or any other method (indicating the steps thus far taken to raise such funds). In addition, this information should include an itemization of all contributions or donations of land, materials, equipment, labor, or other assets to be made to the project and claimed by the sponsor as project costs, showing the estimated value or cost of each such contributed or donated item.]

Depository: The Sponsor will deposit all project funds in _____ which is qualified by law to act as a depository of public funds. The Sponsor hereby designates _____ to receive payments representing the United States share of the project costs.

3. *Land.* The sponsor holds the following property interests in the following areas of land which are to be developed or used as part of or in connection with the airport, subject to the following exceptions, encumbrances and adverse interests, all of which lands are identified on the property map which is attached hereto as Exhibit "A": [Space is provided here in which the sponsor is to list all areas of airport lands which have been acquired by it prior to the submission of the project application, identifying them by area numbers as shown on the attached property map and indicating, with respect to each such area, the interest held by the sponsor therein. In the case of each area in which the sponsor holds title in fee, such interest should be described as "title in fee, free and clear of all liens, easements, leases, and other encumbrances and adverse interests", or if there are any such encumbrances or adverse interests, they should be specified and the title described as title in fee, subject only to such named encumbrances or adverse interests. Similarly, where the sponsor holds some lesser property interest, such interest should be specified, indicating if it is less than title, the authority under which such interest is held. If the interest is a leasehold estate granted by some other public agency, a certified copy of the instrument creating such interest should be attached.]

The sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the sponsor holds the above property interests.

4. *Approvals of other agencies.* The project has been approved by all non-Federal agencies whose approval is required, namely: [Space is provided here in which the sponsor is to list all non-Federal agencies whose approval of the project is required.]

5. *Defaults.* The sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith: [Space is provided here in which the sponsor is to describe any existing obligations of the nature indicated, on which it is in default.]

6. *Possible disabilities.* There are no facts or circumstances (including the existence of effective or proposed leases, use agreements, or other legal instruments affecting use of the airport or the existence of pending litigation or other legal preceedings) which: (a) are known or by due diligence might be known; (b) in reasonable probability might make it impossible for the sponsor to carry out and complete the project or carry out the provisions of Part III and IV of the Project Application, either by limiting its legal or financial ability or otherwise; and (c) have not been brought to the attention of an authorized representative of the Administrator.

(3) *Part III: Sponsor's assurances.* This part contains the following assurances and covenants on the part of the sponsor, all of which are to become effective upon acceptance by the sponsor of a grant offer for the project and remain in force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed 20 years from the date of such acceptance:

2. The sponsor will operate the airport as such for the use and benefit of the public. In furtherance of this covenant (but without limiting its general applicability and effect), the sponsor specifically agrees that it will keep the airport open to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes; *Provided,* That the sponsor may establish such fair, equal, and non-discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport; *And provided further,* That the sponsor may prohibit any given type, kind, or class of aeronautical use of the airport if such action will best serve the aeronautical needs of the area served by the airport.

3. The sponsor will not exercise, grant, or permit any execlusive right for the use of the airport forbidden by Section 303 of the Civil Aeronautics Act of 1938, as amended. In furtherance of this convenant (but without limiting its general applicability and effect), the sponsor specifically agrees that it will not either directly or indirectly exercise, or grant to any person, firm or corporation, or permit any persons, firm, or corporation to exercise, any exclusive right for the use of the airport for commercial flight operations, including air carrier transportation, rental of aircraft, conduct of charter flights, operation of flight schools or the carrying on of any other service or operation requiring the use of aircraft.

4. The sponsor agrees that it will operate the airport for the use and benefit of the public, on fair and reasonable terms and without unjust discrimination. In furtherance of this covenant (but without limiting its general applicability and effect), the sponsor specifically covenants and agrees:

(a) That in any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to render any service or furnish any parts, materials, or supplies (including the sale thereof) essential to the operation of aircraft at the airport, the sponsor will insert and inforce provisions requiring the contractor:

(1) To furnish good, prompt, and efficient service[3] adequate to meet all the demands for its service[3] at the airport,

(2) To furnish said services[3] on a fair, equal, and nondiscriminatory basis to all users therof, and

(3) To charge fair, reasonable, and nondiscriminatory prices for each unit of sale or service:[3] *Provided,* That the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

(b) That it will not exercise or grant any right or privilege which would operate to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to, maintenance and repair) that it may choose to perform.

(c) That if the sponsor exercises any of the rights or privileges set forth in subsection (a) of this paragraph it will be bound by and adhere to the condition specified for contractors set forth in said subsection (a).

5. Nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of nonaviation products and supplies or any service of a nonaeronautical nature.

6. The sponsor will suitably operate and maintain the airport and all facilities thereon or connected therewith which are necessary for airport purposes other than facilities owned or controlled by the United States, and will not permit any activity thereon which would interfere with its use for aeronautical purposes: *Provided,* That nothing contained herein shall be construed to require that the airport be operated and maintained for aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere substantially with such operation and maintenance. Essential facilities, including night lighting systems, when installed, will be operated in such a manner as to assure their availability to all users of the airport.

7. Insofar as is within its powers and reasonably possible, the sponsor will prevent the use of any land either within or outside the boundaries of the airport in any manner (including the construction, erection, alteration, or growth of any structure or other object thereon) which would create a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, or otherwise limit the usefulness of the airport. This objective will be accomplished either by the adoption and enforcement of a zoning ordinance and regulations or by the acquisition of easements or other interests in lands or airspace, or by both such methods. With respect to land outside the boundaries of the airport, the sponsor will also remove or cause to be removed any growth, structure, or other object thereon which would be a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, or if such removal is not feasible, will mark or light such growth, structure, or other object as an airport obstruction or cause it to be so marked or lighted. The airport approach standards to be followed in performing the covenants contained in this paragraph shall be those established by the Administrator in Office of Airports Drawing No. 672, dated September 1, 1946, unless otherwise apthorized by the Administrator.

8. All facilities of the airport developed with Federal aid and all those usable for the landing and taking-off of aircraft will be available to the United States at all times, without charge, for use by military and naval aircraft in common with other aircraft, except that if the use by military and naval aircraft is substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining facilities so used, may be charged. The amount of use to be considered "substantial" and the charges to be made therefor shall be determined by the sponsor and the using agency.

9. Whenever so requested by the Administrator, the sponsor will furnish to any civil agency of the United States, without charge (except for light, heat, janitor service, and similar facilities and services at the reasonable cost thereof), such space in airport

[3] As used in these subsections the words "service" shall include furnishing of parts, materials, and supplies (including sale thereof) as well as furnishing of service.

buildings as may be determined by the Administrator to be reasonably adequate for use in connection with any airport air traffic control activities, weather-reporting activities, and communications activities related to airport air traffic control, which are necessary to the safe and efficient operation of the airport and which such agency may deem it necessary to establish and maintain at the airport for such purposes: *Provided, however,* That the amounts of space the sponsor may be required to furnish for such purposes and on such conditions, shall not be in excess of the maximum amounts prescribed in the Grant Agreement relating to the Project. Such space or any portion thereof will be made available as provided herein within six months after receipt of written request from the Administrator. Additional building space for such purposes may be furnished to any civil agency of the United States upon such terms as may be agreed upon between such civil agency and the sponsor.

10. After completion of the Project and during the term of these covenants, the Sponsor will maintain a current system of Airport accounts and records, using a system of its own choice, sufficient to provide annual statements of income and expense. It will furnish the Administrator with such annual or special Airport financial and operational reports as he may reasonably request. Such reports may be submitted to the Administrator on forms furnished by him, or may be submitted in such other manner as the Sponsor elects, provided the essential data are furnished. The Airport and all airport records and documents affecting the Airport, including deeds, leases, operation and use agreements, regulations, and other instruments, will be available for inspection by any duly authorized representative of the Administrator upon reasonable request. The Sponsor will furnish to the Administrator, upon request a true copy of any such document.

11. The Sponsor will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible under the Act and the Regulations to assume such obligations and having the power, authority and financial resources to carry out all such obligations. If an arrangement is made for management or operation of the airport by any agency or person other than the Sponsor or an employee of the Sponsor, the Sponsor will reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with the Act, the Regulations, and these covenants.

12. The Sponsor will maintain a master plan layout of the Airport having the current approval of the Administrator. Such layout shall show building areas, approach areas, and landing areas, indicating present and future proposed development. The Sponsor will conform to such master plan layout in making any future improvements or changes at the Airport which, if made contrary to the master plan layout, might adversely affect the safety, utility, or efficiency of the Airport.

13. (a) The Sponsor will acquire within a reasonable time but in any event prior to the start of any construction work under the Project, the following property interests in the following areas of land on which such construction work is to be performed, all of which lands are identified on the property map which is attached hereto and identified as Exhibit "A": [Space is provided here in which the sponsor is to state the exact property interests which the sponsor will acquire, prior to the start of any construction work under the project, in all areas of land on which any such construction work is to be performed, identifying such areas by numbers or other symbols as shown on the attached property map. Where the property interest to be acquired is title in fee, such title should be described as "title in fee, free and clear of all liens, easements, leases, and other encumbrances and adverse interests," or if it is expected that there will be such encumbrances or adverse interests, they should be specified and the title described as title in fee, subject only to such named encumbrances or adverse interests. Similarly where the sponsor is to acquire some lesser property interest, such interest should be specified.]

(b) The Sponsor will acquire within a reasonable time and if feasible prior to the completion of all construction work under the Project, the following property interests in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which lands are identified on the property map which is attached hereto and identified as Exhibit "A": [Space is provided here in which the sponsor is to state the exact property interests that the sponsor will acquire in all areas of land needed for airport purposes other than those covered in paragraph 13 (a) of Part III and in paragraph 3 of Part II. Such interests should be described with the same particularity as those described in paragraph 14 (a).]

14. If at any time it is determined by the Administrator that there is any outstanding right or claim of right in or to the airport property, other than those set forth in paragraph 3 of Part II and paragraphs 13 (a) and 13 (b) of this Part, the existence of which creates an undue risk of interference with the operation of the airport or the performance of the covenants of this Part, the sponsor will acquire, extinguish or modify said right, or claim of right, in a manner acceptable to the Administrator.

(4) *Part IV: Project agreement.* This part contains an agreement on the part of the sponsor, conditional upon execution of a Grant Agreement for the project, to accomplish the project in accordance with the Act, the Regulations, the plans and specifications, as approved by the Administrator, and the Grant Agreement.

Printed on the last page of the form is a form of certification to be executed by the sponsor's attorney, stating that all statements of law made in the Project Application and all legal conclusions upon which the representations and covenants are based, in his opinion, are true and correct.

(c) *Project Application for Additional Project, Form ACA–1624.1 (5–49).* This form, which is also to be executed by an appropriate official of the project sponsor, is a modification of the Project Application, Form ACA–1624, and may be used by the sponsor, at the discretion of the Regional Administrator, for second and subsequent projects at the same airport. Form ACA–1624.1 is identical with Form ACA–1624 except that, with respect to the former, certain of the representations and assurances are incorporated by reference in lieu of being set forth in their entirety.

(d) *Grant Agreement Form.* This form consists of two parts, as follows:

(1) *Part I: Offer.* This part sets forth an offer and agreement on the part of the United States, to be executed by the Regional Administrator on behalf of the Administrator, to pay a certain stated percentage of the allowable project costs of an approved project, not to exceed a specified maximum amount, on the following terms and conditions together with such other special terms and conditions as may be determined by the Administrator to be necessary with respect to the particular project, to insure compliance with the act and the regulations:

2. The Sponsor shall:

(a) Begin accomplishment of the Project within a reasonable time after acceptance of this offer, and

(b) Carry out and complete the Project in accordance with the terms of this Offer, and the Federal Airport Act and the Regulations promulgated thereunder by the Administrator in effect on the date of this Offer, which Act and Regulations are incorporated herein and made a part hereof, and

(c) Carry out and complete the Project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or modified with the approval of the Administrator or his duly authorized representatives.

3. The Sponsor shall operate and maintain the Airport as provided in the Project Application incorporated herein.

4. (First alternate.) The maximum amounts of building space which the Sponsor shall be obligated to furnish civil agencies of the United States for the purposes and on the terms and conditions stated in paragraph 9 of Part III of the Project Application, shall be as set forth in the attached schedule of maximum space requirements which is incorporated herein and made a part hereof.

4. (Second alternate.) The Administrator having determined that no space in airport buildings will be required by any civil agency of the United States for the purposes set forth in paragraph 9 of Part III of the Project Application, the provisions of the said paragraph shall be deemed to be of no force or effect.

5. Any misrepresentation or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this Offer shall terminate the obligation of the United States, and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, the Administrator on behalf of the United States may recover all grant payments made.

6. The Administrator reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any of the allowable costs of the Project unless this Offer has been accepted by the Sponsor within 60 days from the above date of Offer or such longer time as may be prescribed by the Administrator in writing.

This offer also provides that it is to constitute a Grant Agreement upon its acceptance by the sponsor and that such Grant Agreement shall remain in effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty years from the date of acceptance.

(2) *Part II: Acceptance.* This part, which is to be executed by an appropriate officer of the sponsor, contains an acceptance of the offer by the sponsor.

Printed on the last page of the form is a form of certification to be executed by the sponsor's attorney, stating that the acceptance of the offer by the sponsor was due and proper and in accordance with State and local law and that the Grant Agreement constitutes a legal and binding obligation of the sponsor.

(e) *Periodic Cost Estimate, Form ACA–1629 (5–49).* This form contains two certifications, as follows:

(1) A certification to be executed by the contractor (or the sponsor with respect to force account work) that "the work performed and the materials supplied to date, as shown on this Periodic Cost Estimate, represent the actual value of accomplishment under the terms of this contract in conformity with approved plans and specifications, that the quantities shown were properly determined and are correct, and that there has been full compliance with all labor provisions included in the contract identified above"; and

(2) An "acknowledgment and concurrence" of the sponsor's engineer, concurring in the contractor's certification (to be omitted in the case of force account work).

These certifications are preceded by spaces for inserting information regarding the progress of construction work, including the dates when notice to proceed with the work was given, when the work was commenced, and when completion of the work is anticipated, the percentage of physical completion of the contract work, the latest revised estimate of the quantity and cost of each item of the work to be accomplished, and a statement of the quantities and value of all construction work actually accomplished as of the end of the period for which the report is prepared.

Instructions for the preparation of this form are appended thereto and a Continuation Sheet (Form ACA–1629a) is provided for use where additional space is needed.

(f) *Application for Grant Payment, Form ACA–1625.1 (5–49).* This form contains a formal statement of application for grant payment in a specified amount, the sponsor indicating whether such payment is for a partial, semi-final, or final grant payment. This form also contains appropriate spaces for inserting a summary of the total costs incurred as of a certain specified date, the estimated United States share of total costs, the total amount of previous applications for grant payments, and the amount of the current application for grant payment broken down into the following four classifications of costs: (1) land (including cost of acquiring land and administrative costs incident thereto); (2) construction (value of work performed to date); (3) engineering; and (4) administrative. There is also a form of certification on the part of the sponsor, reading as follows:

I certify that the above application for grant payment is correct and just, and for a payment which has not been received. I further certify that the cost estimates and statement of costs incurred as set forth on this application are true and correct, and relate only to items of airport development contemplated by the grant agreement for this project; and that all such costs have been incurred in connection with airport development accomplished in accordance with the grant agreement and applicable plans and specifications,

together with a certification of the District Airport Engineer reading as follows:

I hereby certify that the physical construction work reflected on this application has been inspected under my direction at reasonably frequent intervals by qualified employees of the Civil Aeronautics Administration. Through such inspections, and by other means and checks recognized as good engineering practice, I am satisfied that the work accomplished is in accordance with the plans and specifications and provisions of the contract. The value of construction work performed as claimed above is supported in detail by periodic cost estimates previously approved by this office. Other claimed project costs appear to be reasonable. Subject to actual verification of all stated costs by CAA audit prior to the payment of final grant, I recommend payment of this application for grant funds.

Appended to this form are instructions for its preparation.

(g) *Summary of Project Costs, Form ACA–1630 (5–48).* This form contains spaces in which the sponsor is to insert the latest revised estimate of total project costs, the total costs incurred to date, and the percentage that the latter bears to the former, all of these figures to be broken down into five main cost classifications: (1) Land costs (including cost of acquiring land and administrative costs incident thereto), (2) construction, (3) engineering, (4) administrative, and (5) contingencies. Instructions for the preparation of this form are appended thereto.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

NOTE: The reporting and record-keeping requirements contained in this amendment have been approved by the Bureau of the Budget pursuant to the Federal Reports Acts of 1942.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49–3728; Filed, May 9, 1949; 9:00 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CANNED POTATOES

In the matter of amending the definition and standard of identity for canned potatoes:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on February 4, 1949 (14 F. R. 491), no exceptions having been filed to the tentative order issued by the Acting Federal Security Administrator and published in the FEDERAL REGISTER on April 13, 1949 (14 F. R. 1769), the following order is hereby made:

Findings of fact.[1] 1. Definitions and standards of identity for canned vegetables other than those specifically regulated (21 CFR Cum. Supp. 52.990) as promulgated by publication in the FEDERAL REGISTER of February 28, 1940, established a definition and standard of identity for canned potatoes without providing for the use of calcium salts as optional ingredients of such food. (Ex. 2)

2. In canning potatoes difficulty is sometimes encountered due to a softening of the potatoes followed by breaking down or sloughing off of the outer layers. These effects result in an unattractive appearance of both the potatoes and the liquid medium in which they are packed. The factors responsible for this condition in canned potatoes have not been established. (R. 12, 13, 18–19, 20–21, 24, 28, 32–33, 34, 45, 47, 49, 50, 53, 59–61, 64–67, 75; Ex. 4)

3. Difficulties similar to those described in finding 2 are also encountered in canned tomatoes, but they were found to be overcome to a large extent by adding small amounts of purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or mixtures of these. Experiments have also shown that calcium salts when added in canning potatoes serve to prevent the breaking up of the potatoes. Investigators believe that the action of the calcium salts in canned potatoes is analogous to the action of calcium salts in canned tomatoes and that the firming is related to the calcium content of the salts. The investigations indicate that the quantity of calcium salts needed for firming potatoes varies with the potatoes being canned, but that a quantity expressed in terms of the calcium contained therein, amounting to 0.051 percent of calcium by weight of the finished canned potatoes, is sufficient for firming potatoes. (R. 10, 12, 21, 26, 27, 29–30, 32–33, 34, 37–38, 40–43, 47, 49–50, 52–55, 57–58, 62, 63–68, 70–71, 74, 75, 79; Ex. 2, 4)

4. In addition to the calcium salts used with canned tomatoes, it was recommended that calcium gluconate be recognized for use in canned potatoes. The reasons advanced were largely theoretical. No evidence that calcium gluconate is a normal constituent of food was adduced, and there was no showing that animal-feeding experiments have been made to determine the effect of long-time use of this salt. The evidence is insufficient to show whether calcium gluconate is suitable for such use. (R. 10, 11–12, 16–17, 28, 37–38, 39–40, 43–44, 70, 75)

5. Since the firming of potatoes appears to depend on the calcium content of the calcium salts added, a reasonably informative label statement for canned potatoes to which one or more of the permitted calcium salts have been added is "Trace of ------ Added" or "With Added Trace of ------," the blank being filled in with the words "Calcium Salt" or "Calcium Salts," as the case may be, or with the name or names of the partic-

[1] Citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

ular calcium salt or salts added. (R. 12, 30–31, 42, 69–72; Ex. 2)

Conclusions. On the basis of the substantial evidence of record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for canned vegetables other than those specifically regulated to provide for the optional use in canned potatoes of purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more of these calcium salts, in amounts reasonably necessary to firm the potatoes, but in no case in an amount such that the calcium contained in such salts or mixtures is more than 0.051 percent of the weight of the finished canned potatoes, and to provide for label statement of such optional ingredients.

Wherefore, it is ordered, That paragraphs (c) (3) and (f) (1) of § 52.990 be rewritten to read as follows:

§ 52.990 *Canned vegetables; identity; label statement of optional ingredients.* * * *

(c) * * *

(3) (i) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form) in a quantity not more than sufficient to insure smoothness.

(ii) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

* * * * *

(f) (1) If the optional ingredient specified in paragraph (c) (2) of this section is present, the label shall bear the statement "_____ Oil Added" or "With Added _____ Oil," the blank being filled in with the common or usual name of the oil. If the optional ingredient specified in paragraph (c) (3) (i) of this section is present, the label shall bear the statement "Starch Added to Insure Smoothness." If the optional ingredient specified in paragraph (c) (3) (ii) of this section is present, the label shall bear the statement "Trace of _____ Added" or "With Added Trace of _____," the blank being filled in with the words "Calcium Salt" or "Calcium Salts," as the case may be, or with the name or names of the particular calcium salt or salts added. If the optional ingredient specified in paragraph (c) (4) of this section is present, the label shall bear the statement "With Snaps."

Effective date. The season for canning potatoes begins in some of the important canning areas in the latter part of May. During the 1948 packing season it was observed that in Tennessee the need for added calcium salts for firming potatoes was greater at the start of the canning season than it was later in the season. The proximity of the 1949 packing season creates an emergency condition in the matter of amending the definition and standard of identity for canned potatoes to recognize the addition of calcium salts as optional ingredients. It is concluded that it is necessary for this amendment to become effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

Wherefore, it is ordered, That the amendments to the definition and standard of identity for canned potatoes herein provided shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: May 4, 1949.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 49-3677; Filed, May 9, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg., [1] Corr.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is corrected in the following respects:

1. Effective as of April 8, 1949, item 16 of Amendment 82, is corrected to read as follows:

16. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows:

Erie; Ottawa; Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties; and those portions of Huron County which are within the Townships of Bellevue, Greenwich, Lyme, New Haven, New London, Norwalk, Richmond and Ridgefield.

This decontrols from §§ 825.1 to 825.12 all of Huron County except the Townships of Bellevue, Greenwich, Lyme, New Haven, New London, Norwalk, Richmond, and Ridgefield, in the Sandusky-Port Clinton, Ohio, Defense-Rental Area.

2. Effective as of April 5, 1949, item 8 of Amendment 81 is corrected to read as follows:

8. Schedule A, item 85b, is amended to describe the counties in the Defense-Rental Area as follows:

In Morgan County, Road District No. 7 and Road District No. 14.

This decontrols from §§ 825.1 to 825.12 all of the Jacksonville, Illinois, Defense-Rental Area except Road Districts Nos. 7 and 14 which include the housing area of Jacksonville and South Jacksonville, Illinois and the surrounding territory.

3. Effective as of April 8, 1949, item 16 of Amendment 83 is corrected to read as follows:

16. Schedule A, item 258, is amended to describe the counties in the Defense-Rental Area as follows:

Blair; Cambria; and, in Somerset County the Townships of Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning and the Boroughs of Benson, Boswell, Central City, Hooversville, Garrett, Jennerstown, Meyersdale, Paint, Somerset, Stoyestown, and Wimdber.

This decontrols from §§ 825.1 to 825.12 all of Somerset County except the Townships and Boroughs specified in the description contained in Schedule A, item 258, as hereby amended.

Issued this 5th day of May 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-3675; Filed, May 9, 1949; 8:48 a. m.]

[Controlled Housing Rent Reg., [1] Amdt. 93]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, Item 64c, is amended to read as follows:

64c [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the St. Petersburg, Florida, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective May 5, 1949.

Issued this 5th day of May 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-3681; Filed, May 9, 1949; 8:50 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., [2] Corr.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060.

[2] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587.

Establishments (§§ 825.81 to 825.92) is corrected in the following respects:

1. Effective as of April 8, 1949, item 16 of Amendment 78, is corrected to read as follows:

16. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows:

Erie; Ottawa; Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties; and those portions of Huron County which are within the Townships of Bellevue, Greenwich, Lyme, New Haven, New London, Norwalk, Richmond and Ridgefield.

This decontrols from §§ 825.81 to 825.92 all of Huron County except the Townships of Bellevue, Greenwich, Lyme, New Haven, New London, Norwalk, Richmond, and Ridgefield, in the Sandusky-Port Clinton, Ohio, Defense-Rental Area.

2. Effective as of April 5, 1949, item 8 of Amendment 77 is corrected to read as follows:

8. Schedule A, item 85b, is amended to describe the counties in the Defense-Rental Area as follows:

In Morgan County, Road District No. 7 and Road District No. 14.

This decontrols from §§ 825.81 to 825.92 all of the Jacksonville, Illinois Defense-Rental Area except Road Districts Nos. 7 and 14 which include the housing area of Jacksonville and South Jacksonville, Illinois and the surrounding territory.

3. Effective as of April 8, 1949, item 15 of Amendment 79 is corrected to read as follows:

15. Schedule A, item 258 is amended to describe the counties in the Defense-Rental Area as follows:

Blair; Cambria; and, in Somerset County the Townships of Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning and the Boroughs of Benson, Boswell, Central City, Hooversville, Garrett, Jennerstown, Meyersdale, Paint, Somerset, Stoyestown, and Wimdber.

This decontrols from §§ 825.81 to 825.92 all of Somerset County except the Townships and Boroughs specified in the description contained in Schedule A, item 258, as hereby amended.

Issued this 5th day of May 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-3676; Filed, May 9, 1949; 8:49 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 88]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, Item 64c, is amended to read as follows:

64c [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the St. Petersburg, Florida, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective May 5, 1949.

Issued this 5th day of May 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-3680; Filed, May 9, 1949; 8:49 a. m.]

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 1 of the act of April 22, 1940 (54 Stat. 150; 33 U. S. C. 180) and section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), §§ 202.1 (b), 202.10 (a), 202.15, 202.20, 202.25, 202.27 (b), 202.30 (b), 202.50 (b), 202.55 (a), 202.65 (b), 202.68 (a), 202.80 (a), 202.82 (b), 202.84, 202.94, 202.100, 202.110 (a), and 202.120 (a) are hereby amended, and § 202.26 is hereby prescribed, as follows:

§ 202.1 *Special anchorage areas.* * * *

(b) The areas hereinafter described are designated as special anchorage areas. (All bearings are referred to true meridian.)

* * * * *

PORT OF NEW YORK AND VICINITY

Huntington Harbor, N. Y. All of the Huntington Harbor Anchorage (described in § 202.20).

* * * * *

BLACKHOLE CREEK, MD.

The waters on the west side of Blackhole Creek, a tributary of Magothy River, southwest of a line bearing 310°30′ from the most northerly tip of an unnamed island located 0.16 mile upstream from the mouth of the creek approximately 660 feet to the west shore of the creek; northwest of a line ranging from the southwesterly tip of the island toward the point of land on the west shore of the creek immediately southwest thereof; and north of a line 100 feet from and parallel to the shore of the creek to its intersection with the south property line extended of the Potapskut Sailing Association, Inc., thence northwesterly along the said property line extended to the shore.

CORPUS CHRISTI BAY, TEXAS

* * * * *

§ 202.10 *New Bedford Outer Harbor, Buzzards Bay, Vineyard and Nantucket Sounds, Mass.*—(a) *The anchorage grounds.* * * *

(6) *Anchorage F.* * * * Nonamesset Island * * *

(8) *Anchorage H.* * * * Squash Meadow West End Buoy 21; * * *

(9) *Anchorage I.* * * * Hedge Fence East End Buoy * * *

§ 202.15 *Narragansett Bay, R. I.* (a) The anchorage grounds. * * *

(2) *Anchorage B.* Off the west shore of Aquidneck Island * * *

(5) *Anchorage E.* * * *

(ii) * * * anchors or moorings in place * * *

(6) *Anchorage F.* * * * toward the northeast corner of the Fort Adams stone wharf, * * *

(b) *The regulations.* * * *

(4) * * * with reasonable promptness.

* * * * *

§ 202.20 *Huntington Harbor, Long Island, N. Y.*—(a) *The anchorage grounds.* Northwestward of a line ranging from New York Telephone Company pole No. 4J with a transformer on top along the northeast side of Mill Dam Road toward the southwest corner of a timber hopper on the Old Town Dock; westward of a line bearing 177° from the tower of Ferguson's Castle along the east side of New York Avenue; southeastward of a line bearing 234° 12′ from the southeast corner of the main building of Knutson's Shipyard, north of the Town Park; eastward of a line bearing 35° 55′ from the corner of the south abutment of the Mill Dam Road bridge across the Mill Pond spillway; and northeastward of a line bearing 111° 33′ from the chimney at the north end of the house at the westerly end of Mill Dam Road.

NOTE: All bearings in this section are referred to true meridian.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

§ 202.25 *Port of New York*—(a) *Long Island Sound.* * * *

(b) *East River*—(1) *Anchorage No. 6.* * * *

NOTE: All bearings in this section are referred to true meridian.

* * * * *

(3) *Anchorage No. 8.* * * * at Old Ferry Point and * * *

(8) *Anchorage No. 14.* In Hallets Cove. * * *

(c) *Hudson River.* * * *

NOTE: Special anchorage areas in Hudson River are described in § 202.1 [Revoked]

(d) *Upper Bay.* * * *

(3) *Anchorage No. 20–B.* * * * Coast Guard Depot North Dock Light, * * *.

(i) The portion of Anchorage No. 20–B which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloe's Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 is set aside as a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this area, ordinarily for not more than 24 hours, when the anchorage will not be needed for naval vessels. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage is needed for naval vessels.

(4) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville and Claremont Terminals, or in the New Jersey Pierhead Channel or near the entrances to said channels so as to obstruct the approaches or interfere in any way with the free navigation thereof.

(5) *Anchorage No. 21.* * * *. A fairway 600 feet wide crossing the anchorage, marked by buoys at each entrance, shall be excluded therefrom. Its northerly side is on range with Claremont Terminal Lighted Buoy 1, at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the of the Long Island Railroad Terminal at the foot of 64th Street, Bay Ridge, Brooklyn, Anchorage No. 21 is divided into Anchorages Nos. 21–A and 21–B.

(i) *Anchorage No. 21–A (for barges).* That portion of Anchorage No. 21, northward of the fairway, northward and eastward of Anchorage No. 21–B. Deep-draft vessels are required to use the western half of the anchorage, light-draft vessels are required to use the eastern half, and barges drawing 12 feet or less are required to use that portion of the anchorage southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28.

(ii) *Anchorage No. 21–B (for steamers).* That portion of Anchorage No. 21 southward of the fairway; and that portion of Anchorage No. 21, northward of the fairway, southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28, and westward of a line ranging from the westerly point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island.

(iii) Vessels of the various types required to use Anchorages Nos. 21–A and 21–B may be anchored in areas other than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them. No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(6) *Anchorage No. 23 (temporary general anchorage).* * * *

(7) *Anchorage No. 24 (quarantine anchorage).* * * *

(j) *Raritan Bay.* * * *

(5) *Anchorage No. 47.* * * * latitude 40°28′48.5″, * * *

(l) *General regulations.* * * *

(5) Anchors * * *

(m) *Anchorages for vessels carrying explosives.*—(1) *Anchorage No. 49–B.* * * * Constable Hook, * * *

§ 202.26 *Randall Bay, Freeport, Long Island, N.Y.*—(a) *The anchorage grounds.* Southward of a line 312 feet south of and parallel to the south side of Casino Street; eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 233 feet north of the prolonged north side of Clinton Street; northeastward of a line from the last-mentioned point to a point 243 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; eastward of a line 210 feet east of and parallel to the east side of Prospect Street; northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; westward of a line 210 feet west of and parallel to the west side of South Long Beach Avenue, said line extending northerly to a point 222 feet south of the prolonged south side of Queens Street; southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

(b) *The regulations.* (1) When applied for, a berth in this anchorage, if available, may be assigned to any vessel by the Captain of the Port of New York.

(2) The Captain of the Port is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys shall be as prescribed by the Captain of the Port.

(3) No vessel shall anchor in the anchorage in such manner as to interfere with the use of a duly authorized mooring buoy.

(4) No vessel shall be navigated within the anchorage at a speed exceeding six knots.

(5) In case of emergencies, the Captain of the Port is authorized to shift the position of any unattended vessel moored in or near the anchorage.

§ 202.27 *Delaware River.* * * *

(b) *The regulations*—(1) *Explosives, anchorage.* * * *

(viii) * * * lights, fog signals, or * * *

(2) *General anchorages.* * * *

(iii) * * * to move or shift its position * * *

§ 202.30 *Annapolis Harbor, Md.* * * *

(b) *The regulations.* * * *

(2) * * * to the southwestward of the Naval anchorage * * *

§ 202.50 *Wilmington River, Ga.* * * *

(b) *The regulations.* (1) * * *, except in the anchorages described * * *

§ 202.55 *St. Johns River, Fla.*—(a) *The anchorage grounds*—(1) *Anchorage A.* Bounded on the north by a line ranging 90° through Grassy Point Middle Ground Lower End 31 Light; on the east by the shore and by a line between Hendricks Point and Point La Vista; on the south by a line bearing 90° from Grassy Point Middle Ground 34 Light; and on the west by a line from Grassy Point Middle Ground 34 Light to Winter Point and by the shore.

NOTE: All bearings in this section are referred to true meridian.

(2) *Anchorage B.* Bounded on the north by a line bearing 90° from Grassy Point Middle Ground 34 Light; on the east by a line between Hendricks Point and Point La Vista; on the south by a line between Point La Vista and Sadler Point; and on the west by the west boundary of Anchorage A extended.

(3) *Anchorage C.* Shoreward of a line beginning at a point on the shore bearing 180° from 20-foot Rock Buoy 81; thence to 20-foot Rock Buoy 81; thence to Commodore Point Lighted Buoy 79; thence 33°45′, 600 yards; and thence to Empire Point.

(4) *Anchorage D.* Beginning at Terminal Channel 7 Light; thence to Terminal Channel 5 Light; thence to Arlington Cut Buoy 76; thence to Cross Channel Buoy 78; and thence to the point of beginning. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

(5) *Anchorage E.* Beginning at Long Branch Range Front 73 Light; thence 270° to the Texas Company wharf; thence to Chaseville Middle Ground Buoy; and thence to the point of beginning.

(6) *Anchorage F.* Shoreward of a line beginning at Long Branch Range Front 73 Light; thence to Chaseville Middle Ground Buoy; and thence 56°15′ to the shore south of Chaseville.

(7) *Anchorage G.* Northward of a line bearing 270° from Trout River Cut Buoy 66; and westward of a line 200 yards westerly of and parallel to the west side of Trout River Cut.

* * * * *

§ 202.65 *Tampa Bay, Fla.* * * *

(b) *The regulations.* * * *

(2) * * * when the duration of the anchorage period is less than 12 hours.

§ 202.68 *Galveston Harbor, Tex.*—(a) *The anchorage grounds*—(1) *Explosives anchorage.* A rectangular area in Bolivar Roads bounded by a line ranging from a point bearing 180°, 250 yards, from Galveston Lighted Bell Buoy 9, 90°, 1,300 yards; and between the lines ranging 180° from each end of the northern boundary to the sand flats along the south jetty.

NOTE: All bearings in this section are referred to true meridian.

(2) *Temporary anchorage.* A triangular area in Bolivar Roads to the southward of a line connecting Galveston Lighted Bell Buoy 9 and Fort Point Lighted Bell Buoy 11; westward of a line bearing 180° from Galveston Lighted Bell Buoy 9; and eastward of Fort Point Lighted Bell Buoy 11.

(3) *Permanent anchorage.* An area in Bolivar Roads to the northward of the ship channel within the following lines: Northwestward of a line bearing 62° from Galveston Lighted Bell Buoy 10; north of a line bearing 271° from Galveston Lighted Bell Buoy 10; and east of a line bearing 20° from the Quarantine Station cupola on Pelican Island.

(4) *Quarantine anchorage.* An area in Bolivar Roads to the northward of the ship channel within the following lines: Southeastward of a line bearing 223° from the old tower on Bolivar Point; east of a line bearing 359° from Bolivar Roads Lighted Bell Buoy 14; north of a line bearing 115° from Bolivar Roads Lighted Bell Buoy 14; and west of the westerly boundary of the permanent anchorage.

* * * * *

§ 202.80 *San Diego Harbor, Calif.*—(a) *The anchorage grounds.* * * *

(1) *Non-anchorage area.* * * * Kettner * * *

§ 202.82 *Newport Bay Harbor, Calif.* * * *

(b) *The regulations.* (1) * * * these areas * * *

§ 202.84 *Los Angeles and Long Beach Harbors, Calif.*—(a) *The Anchorage grounds.* * * *

(2) *Commercial Anchorage C (Los Angeles Harbor).* * * *

(iv) The established anchorages * * *

(3) *Naval Anchorage D.* * * *

(b) *The regulations.* * * *

(6) * * * to plant or vessels * * *, and to plant or vessels * * * to plant or vessels * * * where plant is to be employed * * *

§ 202.94 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.*—(a) *San Francisco Bay.* * * *

(9) *Anchorage No. 9 (general).* * * *, and thence 146° * * *

(15) *Anchorage No. 14 (explosives).* * * *, 2,950 yards, * * *

(b) *San Pablo Bay*—(1) *Anchorage No. 18 (general).* * * * 90° to the easterly * * *

(d) *Suisun Bay*—(1) *Anchorage No. 26 (general).* * * *

(ii) * * * sportsmen * * *, Suisun bay, * * *

(2) *Anchorage No. 27 (general).* * * * Suisun Bay * * *

(f) *General regulations.* (1) * * *, Suisun Bay * * *

§ 202.100 *Puget Sound area, Wash.*—(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca.* All of Freshwater Bay and adjacent waters shoreward * * *

(11) *Orchard Point general anchorage, Puget Sound.* * * * longitude 122°29'16"; * * *

(b) The regulations. * * *

(2) * * *. All vessels carrying explosives as cargo shall be within explosives anchorage when anchored.

(3) A vessel carrying bulk inflammable liquid cargo such as petroleum products shall, when anchored, be at least 1,000 yards away from a vessel carrying explosives. The Captain of the Port may issue a permit to a vessel carrying inflammable or combustible liquids in bulk or other dangerous cargo to anchor in an explosives anchorage whenever such explosives anchorage is not in use by a vessel carrying explosives as cargo.

(4) No vessel carrying explosives as cargo or on which explosives as cargo are to be loaded may proceed to an explosives anchorage without first notifying the Captain of the Port. Upon such notification, the Captain of the Port, if he finds it to be in the interests of port security and the commerce of the United States, shall issue a revocable permit, without which no vessel may anchor in the explosives anchorage, and shall assign to the vessel a berth in the explosives anchorage, if one is available.

(5) All vessels, including tugs and stevedore boats, used in connection with loading or unloading explosives on vessels shall apply to the Captain of the Port for a permit to engage in such loading or unloading, which permit shall be granted by the Captain of the Port if he finds that such action will not be inimical to the interests of port security and the commerce of the United States. No such vessel shall enter any explosives anchorage or engage in loading or unloading explosives without first having obtained a permit.

§ 202.110 *San Juan Harbor, P. R.*—(a) *The anchorage grounds*—(1) *Yacht, schooner, and small craft anchorage.* That part of San Antonio Channel eastward of longitude 66°05'45".

(2) *Temporary anchorage (general).* * * * Isla Grande Light; * * *

§ 202.120 *St. Thomas Harbor, Charlotte Amalie, Virgin Islands*—(a) *The anchorage grounds*—(1) *Inner harbor anchorage.* * * * thence 146°, * * *

[Regs. Apr. 15, 1949, 800.212—ENGWR] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-3678; Filed, May 9, 1949; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

PERU

In § 127.328 *Peru* (13 F. R. 9200) make the following changes:

1. Amend subparagraph (10) of paragraph (a) to read as follows:

(a) *Regular mails.* * * *

(10) *Prohibitions.* (i) Money in cash, bank notes, and values payable to the bearer.

(ii) Dutiable articles (merchandise) in letters and packages prepaid at letter rate, unless registered.

(iii) See parcel post *Prohibitions* concerning merchandise prohibited importation into Peru or admitted only under Peruvian import permit.

2. Amend subparagraph (7) of paragraph (b) to read as follows:

(b) *Parcel post.* * * *

(7) *Prohibitions.* (i) The importation of many types of merchandise into Peru, whether as gifts or for commercial purposes, is either entirely prohibited or admitted only if a permit has been granted by the Peruvian authorities. Merchandise is not to be accepted for mailing to Peru unless the sender has received assurance that the addressee will be permitted to receive the contents. Before any package or parcel is accepted for mailing, the sender should be required to endorse the wrapper "Importation into Peru authorized" or similarly.

(ii) Interested senders may obtain further information from the Department of Commerce (Office of International Trade), Washington 25, D. C., or from Peruvian Consuls located in New York, New York; San Francisco and Los Angeles, California; Portland, Oregon; Miami, Florida; and New Orleans, Louisiana.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-3663; Filed, May 9, 1949; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PORTUGAL

In § 127.332 *Portugal* (13 F. R. 9207) amend subdivision (ii), subparagraph (5) of paragraph (b) to read as follows:

(b) *Parcel post.* * * *

(5) *Observations.* * * *

(ii) Senders of parcels valued over $24.75 mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than $24.75.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-3664; Filed, May 9, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

GRAIN STANDARDS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering amending § 26.74 of the regulations concerning grain standards (7 CFR, 1949 ed., 26.74), issued pursuant to the authority of section 8 of the United States Grain Standards Act, as amended (7 U. S. C. 84), to read as follows:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $3.00 per car;

(b) For bulk or sacked grain in a wagon or truck or in a lot of 75 sacks or less, $1.00 per wagon, truck, or lot;

(c) For a submitted sample or package of grain, $1.00 per sample or package.

(d) For all lots of grain other than those referred to in paragraphs (a), (b), and (c) of this section, $1.00 per one thousand bushels or fraction thereof, with a minimum fee of $3.00.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this regulation, and no further charges, shall be deemed to be fixed and assessed.

The effect of the proposed amendment would be to change from $2.00 to $3.00 the fee provided for by § 26.74 (a), and from $2.00 to $3.00 the minimum charge for the service contemplated by § 26.74 (d). The purpose of the amendment would be to bring the respective fees and charges into line with the current cost of furnishing the services.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of May, 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-3693; Filed, May 9, 1949; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9261]

STANDARD BROADCAST SERVICE IN VIRGIN ISLANDS

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of April 1949;

The Commission having under consideration written comments filed with respect to the notice of proposed rule-making of March 23, 1949 (14 F. R. 1396), relating to special provisions for standard broadcast stations in the Virgin Islands; and

It appearing, that comments have been received requesting oral argument with respect to the proposals contained in said notice of proposed rule making;

It is ordered, That the Commission will hear said argument on May 13, 1949, at 10:00 a. m. in Room 6121, New Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-3682; Filed, May 9, 1949; 9:00 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

[Survey Order No. 176]

REDELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS

Under authority given to heads of bureaus by the Secretary of the Interior in Order No. 2336, dated June 19, 1947, the following redelegation of authority is hereby made, to become effective on the date of this order, in accordance with the terms and conditions set forth below:

The Chief of the Physical Exploration Unit for the Geologic Division is authorized, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services required to carry out the functions of the Unit in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contract, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. The acceptance of a bid on any such contract exceeding $5,000 shall be subject to the written approval of the Director, Acting Director, or Executive Officer of the U. S. Geological Survey and the contract shall not be binding until so approved.

(20 Stat. 394, 43 U. S. C. 31; 43 CFR 4.100, 12 F. R. 4115)

Dated: May 4, 1949.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 49-3726; Filed, May 9, 1949; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

DELEGATION OF AUTHORITY TO APPROVE LOANS

Pursuant to the authority contained in Public Law 38, 81st Congress, approved April 6, 1949, as delegated by the Secretary of Agriculture (14 F. R. 2048), there is hereby delegated to the Assistant Administrators and the Director, Production Loan Division, severally and not jointly, the power and authority, subject to general supervision of the Administrator, to approve loans authorized under Public Law 38 (approved April 6, 1949).

Done at Washington, D. C., this 26th day of April 1949.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

[F. R. Doc. 49-3674; Filed, May 9, 1949; 8:46 a. m.]

Rural Electrification Administration

[Administrative Order 2011]

LOAN ANNOUNCEMENT

APRIL 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 75K Red Lake	$250,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3694; Filed, May 9, 1949; 8:52 a. m.]

[Administrative Order 2012]

LOAN ANNOUNCEMENT

APRIL 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 40A Perkins	$720,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3695; Filed, May 9, 1949; 8:52 a. m.]

[Administrative Order 2013]

LOAN ANNOUNCEMENT

APRIL 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 41A Todd	$810,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3696; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2014]

LOAN ANNOUNCEMENT

APRIL 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 37A Hughes	$775,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3697; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2015]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 69V Erath	$1,080,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3698; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2016]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 67K Rains-Rockwall	$470,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3699; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2017]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 59L Butler District Public	$1,040,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3700; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2018]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 99L Spencer	$180,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3701; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2019]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 102N Jackson	$350,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3702; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2020]

LOAN ANNOUNCEMENT

APRIL 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 84H Carroll	$210,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3703; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2021]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 20L Concordia	$570,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3704; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2022]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 46E Meade	$410,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3705; Filed, May 9, 1949; 8:53 a. m.]

[Administrative Order 2023]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 17U Jackson	$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3706; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2024]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 33U Butler	$150,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3707; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2025]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 34N Jackson	$1,020,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3708; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2026]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Adminstration:

Loan designation:	*Amount*
Michigan 43G Chippewa	$427,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3709; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2027]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 29N Clark	$300,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3710; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2028]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 101N Parker	$115,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3711; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2029]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 36K Wright	$200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3712; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2030]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 17R Armstrong	$335,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3713; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2031]

LOAN ANNOUNCEMENT

APRIL 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 96K Beltrami	$360,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3714; Filed, May 9, 1949; 8:54 a. m.]

[Administrative Order 2032]

LOAN ANNOUNCEMENT

APRIL 18, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan Designation:	*Amount*
Indiana 53N Steuben	$195,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3715; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2033]

LOAN ANNOUNCEMENT

APRIL 18, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 96H Pickens	$490,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-3716; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2034]

LOAN ANNOUNCEMENT

APRIL 19, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 33H, K, L Pratt	$935,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3717; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2035]

LOAN ANNOUNCEMENT

APRIL 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nevada 3D Alamo District Public	$30,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3718; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2036]

LOAN ANNOUNCEMENT

APRIL 21, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 43P Greene	$243,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3719; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2037]

LOAN ANNOUNCEMENT

APRIL 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 32P Atchison	$280,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3720; Filed, May 9, 1949; 8:55 a. m.]

[Administration Order 2038]

LOAN ANNOUNCEMENT

APRIL 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 31P, R. Woodward	$475,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3721; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2039]

LOAN ANNOUNCEMENT

APRIL 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 93P Washington	$160,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3722; Filed, May 9, 1949; 8:55 a. m.]

[Administrative Order 2040]

LOAN ANNOUNCEMENT

APRIL 22, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 35N Richland	$175,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-3723; Filed, May 9, 1949; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that Special Certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Cleveland Rehabilitation Center, 2239 East 55th Street, Cleveland, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1949, and expires May 31, 1949.

The Columbus Goodwill Industries, 94 North Sixth Street, Columbus 15, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1949, and expires April 30, 1950.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of April 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-3659; Filed, May 9, 1949; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 1]

Patent Compensation Board

NELLIE PAULINE FLETCHER AND WILLIAM ARTHUR FLETCHER

NOTICE OF HEARING ON APPLICATION

Notice is hereby given that Nellie Pauline Fletcher and William Arthur Fletcher have filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for determination of reasonable royalty fees, just compensation and granting of award. The application is based on Patent No. 1,715,283, issued May 28, 1929, for Communicating Circuits; Patent No. 2,060,005, issued November 10, 1936, for Combined Light and Flower Holder; and Patent Application Serial No. 614,880, filed in the United States Patent Office September 7, 1945, for Electrical Methods and Apparatus.

The application of Nellie Pauline Fletcher and William Arthur Fletcher, and the response of the Office of the General Counsel, are on file with the Patent Compensation Board. The Board has set the application for hearing at 10:30 a. m. on May 17, 1949. Any person other than the applicants desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., not later than May 16, 1949, a

statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

MAY 6, 1949.

[F. R. Doc. 49-3740; Filed, May 9, 1949; 9:01 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3589 et al.]

AMERICAN OVERSEAS AIRLINES, INC., ET AL.; NORTH ATLANTIC ROUTE TRANSFER CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 16, 1949, at 10 a. m., e. d. s. t., in the Franklin Room, Wardman Park Hotel, Washington, D. C., before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the following matters:

1. Whether the agreement between American Overseas Airlines, Inc., and Pan American Airways, Inc., filed under section 408 of the Civil Aeronautics Act of 1938, as amended, should be approved;

2. Whether the transfer of the certificate under section 401 (i) of the act is consistent with the public interest;

3. Whether the agreement, insofar as section 412 of the act is applicable, is adverse to the public interest;

4. Whether the acquisition by Pan American Airways, Inc., of the properties of Pan American Airways Corporation and the dissolution of the latter should be approved;

5. Whether the agreement between American Airlines, Inc., and Pan American Airways, Inc., providing that the Pan American stock received by American Airlines, Inc., upon dissolution of American Overseas shall be placed in a voting trust until sold or distributed, should be approved;

6. Whether the further acquisition of control of American Overseas Airlines by American Airlines, Inc., should be approved under section 408 of the act;

7. Whether, if the proposed transfer of the certificate of American Overseas to Pan American is approved, the public convenience and necessity require that the certificate issued to American Overseas Airlines, Inc., to Pan American Airways, Inc., to Transcontinental and Western Air, Inc., should be altered, amended, or modified in whole or in part.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before May 16, 1949, a statement setting forth the issues of fact or of law raised by such application which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 4, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-3724; Filed, May 9, 1949; 8:56 a. m.]

[Regs., Serial No. OR-16]

ORGANIZATIONAL REGULATIONS; DELEGATIONS OF AUTHORITY

TEMPORARY SUSPENSIONS OF SERVICE

Notice is hereby given that the Civil Aeronautics Board on April 29, 1949, amended the organizational regulations (formerly 14 CFR Part 301) as follows effective immediately:

By adding the following new paragraph to the section titled *Delegations of authority* (formerly § 301.2):

(m) *Director, Bureau of Economic Regulation—temporary suspensions of service.* The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects may authorize the issuance of an order, to be ratified by the Board, approving applications filed under § 238.6 of the Economic Regulations for temporary suspension of service when such applications do not involve new and substantial questions of policy. In the event the disapproval of any such application is deemed appropriate the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) is authorized to advise the applicant that the staff is unable to recommend approval of the proposed suspension, giving the applicant an opportunity of requesting Board review of the matter.

The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate) acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, may authorize the issuance of an order, to be ratified by the Board, revoking or modifying orders authorizing the temporary suspension of service if no new or substantial question of policy appears to be involved.

Any such applications may be referred directly to the Board for disposition and any applications not hereby authorized to be approved or disapproved by the staff shall be referred to the Board.

(Secs. 205 (a), 401; 52 Stat. 984, 987; 49 U. S. C. 425, 481)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-3725; Filed, May 9, 1949; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1199]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

MAY 4, 1949.

Notice is hereby given that on April 26, 1949, an application was filed with the Federal Power Commission by Interstate Natural Gas Company, Incorporated (Applicant), a Delaware corporation with its principal place of business at Monroe, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, described as follows:

Approximately 8.2 miles of 6-inch pipeline from a point in Section 30, Township 11 North, Range 10 East, Tensas Parish, Louisiana, in the Holly Ridge Field, and extending in a southwesterly direction to connect with Applicant's main transmission system in Section 30, Township 10 North, Range 10 East, in Catahoula Parish, Louisiana.

Applicant states the proposed facilities will form an integral part of its existing transmission system and will be used in the service of main line customers, principally in Louisiana, supplied under existing contracts and only normal additional business will be taken on by reason of the proposed installation; that by the addition of the proposed facilities Applicant will have for its main transmission system a minimum additional quantity of 5,000 Mcf of gas per day with a peak possibility of approximately 15,000 Mcf per day; that all the gas to be transported through the proposed facilities initially will be purchased from The Carter Oil Company under agreement of December 30, 1948.

Applicant further states that under maximum pressure conditions (inlet 500 psig and outlet 270 psig) the proposed line will have a flow capacity of 15,000 Mcf per 24 hours at 15.2 psia; that maximum sales anticipated during 1950 to consumers will be 97,430,000 Mcf, and 24,870,000 Mcf will be sold to other pipe line companies, or a total of 122,300,000 Mcf; that of this demand 3,490,000 Mcf will be purchased in the Monroe Field and 68,500,000 Mcf from other fields, and the balance of gas needed to meet demands of 50,310,000 Mcf will be produced in Monroe Field or purchased from outside sources other than those already anticipated; that with an anticipated peak day during 1950 of approximately 400,000 Mcf an available additional supply of approximately 60,000 Mcf daily will be necessary.

The estimated over-all capital cost of the proposed facilities is $130,700, which will be financed from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the mat-

ter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Interstate Natural Gas Company, Incorporated, is on file with the Commission, and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10 whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3662; Filed, May 9, 1949; 8:46 a. m.]

[Docket No. G-1201]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 4, 1949.

Notice is hereby given that on April 27, 1949, Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the installation, construction and operation of the following described natural-gas facilities:

(1) Installation of three (3) 110 h. p. gas engine driven compressor units, complete with gas cleaners, auxiliary equipment, piping and necessary buildings at Lexington, Kentucky.

(2) Installation of two (2) 880 h. p. gas engine driven compressor units and conversion of three (3) present 800 h. p. gas engines into three (3) 880 h. p. Turboflow gas engines, at Applicant's Menifee, Kentucky, Compressor Station.

(3) Installation of one (1) 880 h. p. gas engine driven compressor unit at Applicant's North Means, Kentucky, Compressor Station.

(4) Construction of twenty-three (23) miles of 12¾-inch loop pipe line from Menifee, Kentucky, to Mount Sterling, Kentucky.

(5) Construction of approximately 12,500 feet of 8⅝-inch O. D. transmission pipe line from Tennessee Gas Transmission Company's measuring station at South Means, Kentucky to Applicant's Menifee Compressor Station.

Applicant states that the facilities described in (1), above, will be used for compression, transmission and sale of natural gas to Frankfort Kentucky Natural Gas Company; that the facilities described in (2), above, will be used to compress gas from Applicant's Menifee Storage Pool for transmission and delivery into Applicant's Line KA, and to move gas eastward to Inez, Kentucky; that the facilities described in (3), above, will be used to receive additional gas from Tennessee Gas Transmission Company for delivery under increased pressure to wholesale customers in the Cincinnati market area; that the facilities described in (4), above, will be used to receive increased volumes of natural gas from Applicant's Menifee Storage Pool and the Tennessee Gas Transmission Company for transmission and sale at retail to customers of Applicant in Cynthiana, Winchester, Lexington, Mt. Sterling, Georgetown and for wholesale sales to Kentucky Utilities Company at Paris, and the City of North Middletown, all in Kentucky; and that the facilities described in (5), above, will be used to transport natural gas received from Tennessee Gas Transmission Company to Applicant's Menifee Storage Pool or to Applicant's transmission system. Applicant further states that its existing facilities are not adequate to meet estimated maximum daily requirements of its customers during the next winter period and that the proposed facilities are required in order for Applicant to maintain and provide adequate service to its present markets and to permit increased volumes of natural gas to be injected into or withdrawn from its Menifee Storage Pool. It is stated in the application that Applicant does not intend to serve additional markets through the proposed facilities. Two of the three units described in (1), above, have been temporarily installed, and the facilities described in (5), above, have been laid and are now connected to Applicant's system.

The total overall cost of the proposed facilities is estimated in the application to be $1,643,200, which will be paid out of funds on hand.

Any interested State Commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Central Kentucky Natural Gas Company is on file with the Commission, and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3660; Filed, May 9, 1949; 8:46 a. m.]

[Docket No. G-1203]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

MAY 4, 1949.

Notice is hereby given that on April 27, 1949, Colorado Interstate Gas Company (Applicant), a Delaware corporation, having its principal place of business at Colorado Springs, Colorado, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act as amended, authorizing the construction and operation of the following described natural-gas pipeline facilities on its Lakin-Denver 20-inch main transmission pipeline:

(1) Three additional 1,200 h. p. compressor units at Applicant's Lakin Compressor Station in the Hugoton field, Kansas.

(2) A new compressor station to be known as the Kit Carson Compressor Station, containing seven 1,200 h. p. compressor units and auxiliary equipment, to be located approximately seven miles south of the Town of Kit Carson, Cheyenne County, Colorado.

(3) Approximately 38 miles of 20-inch loop line extending from a point of connection of Applicant's Lakin-Denver line approximately four miles northwest of Main Line Gate No. 20 to Applicant's East Denver Control Station.

Applicant recites that the firm peak day requirements of its customers are estimated at 326,000 Mcf for the 1949-50 winter season, whereas the maximum calculated daily deliverable capacity of Applicant's system, including the Panhandle-Denver main transmission line, is 264,000 Mcf, leaving a deficiency of some 62,000 Mcf per day. Applicant states that the proposed facilities will increase the capacity of the Lakin-Denver line by 62,000 Mcf per day, as well as provide storage in the 38 miles of 20-inch loop line to meet peak hour demands.

The over-all capital cost of the proposed facilities is estimated by Applicant at approximately $4,328,930, which Applicant states it can finance from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Colorado Interstate Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall con-

form to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3661; Filed, May 9, 1949; 8:46 a. m.]

[Docket Nos. G-1157, G-1162]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA AND SAN DIEGO GAS AND ELECTRIC CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 5, 1949.

On December 2, 1948, Southern Counties Gas Company of California (Southern Counties) filed an application for a Certificate of Public Convenience and Necessity and on January 4, 1949, San Diego Gas and Electric Company (San Diego) filed an application for a Certificate of Public Convenience and Necessity, both pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in such applications on file with the Commission and open to public inspection. Due notice of the filing of such applications has been given, including publication in the FEDERAL REGISTER on December 16, 1948 (13 F. R. 7789) and January 13, 1949 (14 F. R. 192), respectively.

The two applications cover the construction and operation of a single pipeline extending from an existing pipeline of the Southern Counties system near Moreno to San Diego, California. That part of the pipeline in Riverside County, California, is to be built by Southern Counties and the remaining part to be built by San Diego.

Applicants have requested that their applications be heard under the shortened procedure provided by § 1.32 of the Commission's rules of practice and procedure; however, certain questions relating to the filing of a tariff and rate schedules have not been resolved between Southern Counties and the Commission's staff. Applicants have urged the necessity for prompt issuance of a certificate, and good cause exists for setting the hearing on less than the 15 days notice required by the Commisison's rules of practice and procedure. The Commission orders:

(A) Applicants request that the aforesaid applications be heard under the shortened procedure provided by § 1.32 of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) The aforesaid proceedings in Docket Nos. G-1157 and G-1162 be and the same hereby are consolidated for hearing.

(C) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be heard commencing on May 17, 1949, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the said applications and other pleadings.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: May 5, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3679; Filed, May 9, 1949; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-175]

WEST PENN ELECTRIC CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON PLAN

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1949.

In the matter of the West Penn Electric Company, West Penn Railways Company, West Penn Power Company, Monongahela Power Company (applicants), File No. 54-175.

I. Notice is hereby given that a joint application, with two amendments thereto, seeking approval of a Plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, has been filed with this Commission by the West Penn Electric Company ("West Penn Electric"), a registered holding company, and three of its subsidiaries, namely, West Penn Railways Company ("Railways"), West Penn Power Company ("Power"), and Monongahela Power Company ("Monongahela").

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The Plan proposes a series of transactions which in the Plan have been divided into two parts and have been designated Part I and Part II. Briefly stated, Part I proposes the distribution to West Penn Electric of Railways' stock holdings in Power and surplus cash not used or useful to Railways in rendering transportation services and the assumption by West Penn Electric of all of Railways' bond obligations; and Part II proposes the repurchase from Power by West Penn Electric of all of the 583,999$^{23}/_{25}$ shares of common stock of Monongahela owned by Power.

Additionally, the filing, as amended, seeks an order of this Commission removing a restriction imposed in August 1945 whereby dividends on the common stock of Monongahela may not exceed $800,000 in any calendar year (see Holding Company Act Release No. 5988).

It is represented in the filing that upon the consummation of Parts I and II the property and assets of Railways will consist solely of those related to its transportation services and further that there will be no holding company in the West Penn Electric system having a subsidiary company which itself has a subsidiary which is a holding company. Certain background material and the details of Parts I and II are set forth immediately hereinafter.

West Penn Electric is a Maryland corporation. Since the dissolution and liquidation of its former parent company, American Water Works and Electric Company, Inc., in 1947, pursuant to plans filed by that company and joined in by West Penn Electric under section 11 (e) of the act, West Penn Electric has been and now is the top holding company of the West Penn Electric system and as such controls through stock ownership subsidiary companies engaged in the electric, gas, transportation, and certain minor businesses in sections of Pennsylvania, West Virginia, Maryland, Virginia and Ohio. The principal operating utility subsidiaries of West Penn Electric are Power, Monongahela, Railways, and The Potomac Edison Company ("Potomac").

Railways is a Pennsylvania corporation owning and operating electric railway lines rendering transportation services in parts of western Pennsylvania. Among its other assets Railways owns 866,000 shares of common stock of Power and 54 shares of 6% Cumulative Preferred Stock and 132 shares of Class A stock of West Penn Electric. As at March 31, 1949, Railways had outstanding $4,372,500 principal amount of noncallable First Mortgage 5% Gold Bonds due June 1, 1960 (issued by West Penn Traction Company, a predecessor of Railways), which are owned by the public, and 170,917 shares of common stock, par value $100 per share, all of these common shares being owned by West Penn Electric.

Power is a Pennsylvania corporation owning and operating directly or through subsidiary companies (other than Monongahela), a utility system serving parts of western and north central Pennsylvania. Power owns 583,999$^{23}/_{25}$ shares of common stock of Monongahela. In addition to mortgage bonds and preferred stocks which are owned by the public, Power had outstanding, as at March 31, 1949, 3,035,000 shares of common stock, no par value, of which 164,129 shares (5.4% of total issue) are owned by the public, 866,000 shares (28.5% of total issue) are owned by Railways, and 2,004,871 (66.1% of total issue) shares are owned by West Penn Electric.

Monongahela is a West Virginia corporation owing and operating, directly or through subsidiaries, a utility system serving northern West Virginia and small parts of eastern Ohio, western Virginia, and western Maryland. In addition to mortgage bonds, promissory notes, and preferred stock, which are owned by the public, Monongahela had outstanding, as at December 31, 1948, 1,000,000 shares of common stock, par value $6.50 per share, of which 583,999$^{23}/_{25}$ shares (58.4% of total issue) are owned by Power and 416,000$^{2}/_{25}$ shares (41.6% of total issue) are owned by West Penn Electric.

The following steps are proposed in the Plan:

II. *Part I: Reorganization of Railways.* 1. West Penn Electric proposes to surrender to Railways all but 1,000 shares of the latter's common stock, West Penn Electric retaining the remaining 1,000 shares outstanding. Railways proposes to reduce its capital from $17,091,700 to an amount not less than $100,000 and proposes to cancel and retire such number of shares of its common stock so surrendered to it by West Penn Electric as shall be required to effect such reduction, retaining any remaining such surrendered shares in its treasury. It is further proposed that the sum by which Railways capital is so reduced will be transferred to capital surplus.

2. West Penn Electric will assume the payment, when due, of the principal of and interest on the $4,372,500 principal amount of First Mortgage 5% Gold Bonds of West Penn Traction Company heretofore assumed by Railways. This assumption is to be evidenced by an instrument between West Penn Electric and Railways giving appropriate effect to the relative rights of the parties in the property subject to the lien of the mortgage securing these bonds, after the transfer of the common stock of Power to be discussed hereinafter.

3. Railways will assign to West Penn Electric the 866,000 shares of common stock of Power and 53 shares of 6% Cumulative Preferred Stock and 132 shares of Class A stock of West Penn Electric owned by Railways and will pay to West Penn Electric the sum of $2,200,000 in cash. In the event that this Part I shall not have been effected at the time of the special dividend of Power described hereinafter in Part II of this Plan, the amount of cash to be distributed by Railways shall be increased by the aggregate amount of the special dividend received by it as a result of its ownership of common stock of Power. Of the 866,000 shares of common stock of Power owned by Railways 780,480 shares are pledged with and held by the trustee of the mortgage securing the West Penn Traction Company bonds. Said 780,480 shares will continue to be so pledged and held and Railways will assign to West Penn Electric all of its rights, title, and interest therein subject to the prior rights of the trustee and the bondholders. The remaining 85,520 shares, not so pledged, will be transferred and delivered to West Penn Electric. West Penn Electric will cancel and retire the 53 shares of its 6% Cumulative Preferred Stock and 132 shares of its Class A stock to be received by Railways.

III. *Part II: Repurchase of Monongahela stock.* 1. West Penn Electric proposes to purchase from Power all of the 583,999$^{23}/_{25}$ shares of common stock of Monongahela owned by Power and will pay therefor in cash a sum calculated as follows: $7,000,000—the amount paid in 1932 by Power to West Penn Electric for this block of stock—plus an amount equivalent to 5% simple interest on said sum computed from the date of purchase of such stock by Power to the date of retransfer of such stock to West Penn Electric less dividends declared and paid by Monongahela to Power on said stock during this period.

2. Power will pay to its common stockholders as a special dividend an amount approximately equal to the excess of the total payment received by Power for the common stock of Monongahela as above set forth in paragraph I of this Part II over the sum of $7,000,000 (the original purchase price paid by Power to West Penn Electric for this stock).

3. West Penn Electric will distribute to the public common stockholders of Power $2.30 in cash for each share of such stock held by them as full compensation for any diminution of the underlying assets applicable to their securities as a result of this sale of the common stock of Monongahela on the basis proposed in this Part II.

IV. The effectuation of the proposed plan or either part thereof is dependent upon the satisfaction of the following conditions.

1. In addition to an order of this Commission approving the Plan, this Commission shall, if requested by West Penn Electric, have instituted a proceeding in a Court of competent jurisdiction and such Court shall have entered a decree or order, finding the Plan fair and equitable and appropriate to effectuate the provisions of section II of the act and directing the enforcement and execution of the terms and provisions of the Plan;

2. The order or orders of the Commission, if requested by West Penn Electric, shall contain such recitals and itemizations as are necessary to meet the requirements of the Federal Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

3. That closing agreements or rulings from the U. S. Treasury Department as to the tax consequences to West Penn Electric and others affected by the plan, or a part thereof, shall be satisfactory to West Penn Electric; and that all action in connection with the Plan taken by West Penn Electric and its associate companies and all orders, rules, and regulations adopted or issued by regulatory authorities having jurisdiction in the premises, must be satisfactory to counsel to West Penn Electric; and

4. The effectuation of the several transactions provided in each of Part I and Part II of the Plan shall be conditioned upon the effectuation of the other transactions specified in such Part except to the extent waived by West Penn Electric. The effectuation of either Part I or Part II shall not be conditioned upon effectuation of the other Part.

The Plan further provides with respect to amendments thereto and certain other provisions as follows:

1. By its terms, the Plan or either Part thereof may be modified or amended in any respect or particular or may be abandoned by West Penn Electric at any time or times before such Plan or Part has been approved by a Court of competent jurisdiction. After approval by the Court and before such Plan or Part has been consummated pursuant to the order or a decree of the Court, such Plan or Part may be modified or amended in any respect or particular by West Penn Electric with the approval of the Commission and the Court. No amendment to the Plan or Part shall be effective without the consent and agreement of West Penn Electric and any change in such Plan or Part, without such consent, shall have the effect of cancelling and withdrawing the Plan;

2. Any step of the Plan or a Part thereof may be carried out without regard to the consummation of any other step of the Plan or such Part thereof. After ten days' notice thereof to the Commission given by West Penn Electric any steps may be altered, certain steps may be abandoned, or additional steps may be added, and no such alterations, additions, or abandonments shall be considered an amendment to the Plan or a departure from the Plan if the carrying out thereof will result in the consummation of the substance of the transaction contemplated by the Plan or either Part thereof in its present form, or as hereafter amended. No such alterations, additions, or abandonments referred to in the preceding sentence shall, however, be made until approved by the Commission, if the Commission within ten days after mailing to it by West Penn Electric of the foregoing notice, shall have notified West Penn Electric that the Commission deems such alterations, additions, or abandonments to constitute a material alteration of the Plan.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a public hearing be held with respect to said matters.

It is hereby ordered, That a public hearing under the applicable provisions of the act and the rules and regulations of the Commission promulgated thereunder, be held on May 17, 1949, at 10:00 a. m., e. d. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the Hearing Room Clerk in Room 101 will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding should notify the Commission to that effect by filing with the Secretary of the Commission on or before May 13, 1949, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate either for hearing, in whole or in part, for disposition, in whole or in part, of any issues or questions which may arise in these proceedings, and to take such other action as may appear conductive to an orderly prompt, and economical disposition of the matters involved.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants and to all interested persons, said notice to be

given to the applicants, and to the Public Utility Commission of the State of Pennsylvania, the Public Service Commission of the State of Maryland, and the Public Service Commission of the State of West Virginia by registered mail, and to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That West Penn Electric shall cause additional notice of the hearing in this matter be given to all known holders of the common stock of Power by causing a copy of this notice and order to be mailed to such holders at their respective last known addresses as the same shall appear on the most recent stock register list of Power, such mailing to occur not less than ten days prior to the date of said hearing.

It is further ordered, That without limiting the scope of the issues presented in these proceedings, particular attention shall be directed at the hearing to the following matters and questions:

1. Whether Parts I and II as filed, or as they may hereafter be modified, are each necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby;

2. Whether the proposed transfer of assets by Railways to West Penn Electric meets all of the applicable standards of the act, is in the public interest and in the interest of investors and consumers, and, if not, to what extent and in what manner should the proposal be modified to satisfy requirements of the act;

3. Whether the accounting adjustments and entries proposed to be made in connection with the Plan are proper and in accordance with sound accounting practices, and what further accounting adjustments, if any, should be proposed or required;

4. Whether under the circumstances, it is in the interest of investors, consumers, and the public to grant the request of Monongahela to remove the presently existing restriction limiting the payment of common stock dividends to $300,000 during any calendar year.

5. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and with the rules thereunder and, if not, what modifications should be required to be made and what terms and conditions should be imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3667; Filed, May 9, 1949; 8:47 a. m.]

[File No. 70-1529]

ROCHESTER GAS AND ELECTRIC CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER ISSUE AND SALE OF STOCK AND RESERVING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of May 1949.

Rochester Gas and Electric Corporation ("Rochester"), a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, wherein, among other things, Rochester proposed to issue and sell $16,677,000 principal amount of ____% Series L first mortgage bonds due March 1, 1979, and 50,000 shares of $100 par value ____% Series G Cumulative Preferred Stock; and

The Commission having by order dated April 11, 1949, granted said application, as amended, subject to the conditions, among others, that (1) Rochester obtain from the Public Service Commission of the State of New York a final order expressly authorizing the issue and sale of said bonds and preferred stock, and (2) the proposed issuance and sale of securities not be consummated until the results of the competitive bidding, pursuant to Rule U-50, have been made a matter of record in the proceedings and a further order shall have been entered in the light of the record as completed jurisdiction being reserved for this purpose, and the Commission having reserved jurisdiction over the payment of the fees and expenses of all counsel; and

The Commission, on April 20, 1949, having released jurisdiction it heretofore reserved with respect to the results of competitive bidding for the first mortgage bonds; and

Rochester having now filed a further amendment to its application, as amended, in which is contained a final order of the Public Service Commission of the State of New York authorizing the issue and sale of the preferred stock and in which, in accordance with the permission granted by said order of the Commission dated April 11, 1949, it states it has offered its preferred stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to company	Dividend rate	Annual cost to company
		Percent	*Percent*
Salomon Bros. & Hutzler	$100.177	4.75	4.742
Harriman Ripley & Co., Inc.	100.65	4.85	4.819
Union Securities Corp.	100.22	4.85	4.839
Lehman Bros.	100.55	4.90	4.873

The amendment further stating that Rochester has accepted the bid of Salomon Bros. & Hutzler for the preferred stock as set out above and that the preferred stock will be offered for sale to the public at a price of $102.00 per share, resulting in an underwriters' spread of $1.823 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of the preferred stock:

It is ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of the preferred stock be, and the same hereby is, released, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of the fees and expenses of all counsel be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3671; Filed, May 9, 1949; 8:48 a. m.]

[File No. 70-2087]

TOLEDO EDISON CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND RELEASING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1949.

The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by Toledo of $2,500,000 principal amount of First Mortgage Bonds, __% Series, due 1979, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission, by order dated April 25, 1949, having granted said application, as amended, subject, among other things, to the condition that the proposed issue and sale shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed, and subject to a reservation of jurisdiction over the payment of all legal fees and expenses in connection with the proposed transaction; and

Toledo having filed a further amendment to said application, as amended, setting forth the action taken to comply with the Commission's order of April 25, 1949 and the requirements of Rule U-50, said amendment stating that pursuant to the invitation for competitive bids with respect to the sale of the bonds the following bids were received:

Name of bidder	Interest rate	Price to company (percent of principal amount)	Cost of money to company
	Percent		*Percent*
Equitable Securities Corp.	3	101.047	2.947189
Union Securities Corp. / Salomon Bros. & Hutzler	3	100.83	2.958076
Halsey, Stuart & Co., Inc.	3	100.79169	2.959597
Kidder, Peabody & Co.	3	100.531	2.973128
Carl M. Loeb, Rhoades & Co.	3	100.4551	2.976958
Otis & Co.	3	100.35	2.982267
The First Boston Corp.	3	100.30	2.984797

Said amendment further stating that Toledo has accepted the bid of Equitable Securities Corporation and that the bonds will be offered for sale to the public at an initial price of 101.591% of the principal amount, plus accrued interest, resulting in an underwriter's spread of 0.544% of the principal amount of the bonds; and

Toledo having supplemented the record with statements setting forth the amounts, nature and extent of legal services rendered by the various counsel for which requests for payment have been made as follows: $8,000 to Frueauff, Burns, Ruch & Farrell, counsel for Toledo, $4,000 to Welles, Kelsey, Fuller, Cobourn & Harrington, Ohio counsel for Toledo, and $4,800 to Chadbourne, Hunt, Jaeckel & Brown, counsel for the successful bidder for said bonds, whose fee is to be paid by the successful bidder; and it appearing that said fees are not unreasonable; and

The Commission having examined said amendment, and having considered the entire record, and finding no basis for imposing terms and conditions with respect to the sale of the bonds by Toledo:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 and with respect to legal fees, be, and the same hereby is, released and that the application, as further amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3665; Filed, May 9, 1949; 8:47 a. m.]

[File No. 70-2104]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 3d day of May A. D. 1949.

In the matter of Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, Panhandle Pipe Line Company, West Texas Gas Company, File No. 70-2104.

Southwestern Development Company ("Southwestern"), a registered holding company, and four wholly-owned subsidiary companies of Southwestern, namely, Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), Panhandle Pipe Line Company ("Panhandle Pipe"), and West Texas Gas Company ("West Texas"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935.

Amarillo Gas, Amarillo Oil and West Texas propose to issue and sell to Southwestern their five year 3% unsecured promissory notes in the principal amount of $300,000, $200,000 and $2,500,000, respectively, and Southwestern proposes to acquire said notes. The notes may be prepaid from time to time without premium.

Panhandle Pipe proposes to sell all of its properties and assets and transfer all of its liabilities to Amarillo Oil at a price equivalent to the book net worth of Panhandle Pipe on the date of consummation. (As of December 31, 1948 the book net worth of Panhandle Pipe was $339,162.) In payment for said net assets, Amarillo Oil proposes to issue and sell and Panhandle Pipe proposes to acquire at par a five year 3% unsecured promissory note in the principal amount of said book net worth of such assets at the date of consummation. Thereafter Southwestern proposes to effect the dissolution and liquidation of Panhandle Pipe and, as sole stockholder, Southwestern proposes to acquire the five year 3% unsecured promissory note of Amarillo Oil issued in payment for the net assets of Panhandle Pipe.

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission's order with respect to said application-declaration issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that this said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3668; Filed, May 9, 1949; 8:48 a. m.]

[File No. 70-2106]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May 1949.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, United Fuel Gas Company ("United"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

United proposes to issue and sell to Columbia $1,000,000 principal amount of 3¼% Installment Promissory Notes. Such notes are to be unsecured and are to be paid in equal annual installments on February 15 of each of the years 1952 to 1976, inclusive. Applicants-declarants state that the proceeds to be obtained through the issue and sale of the notes will be utilized by United in connection with its construction program, which program, it is estimated, will require approximately $6,400,000 of additional financing during 1949. The Public Service Commission of West Virginia, by order dated March 28, 1949, approved the proposed issue and sale of notes by United.

Such joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3669; Filed, May 9, 1949; 8:48 a. m.]

[File No. 70-2108]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May 1949.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"), having filed a joint application-declaration, pursuant to the provisions of sections 6, 7, 9, 10, and 12 of the Public

Utility Holding Company Act of 1935, with respect to the following proposed transaction:

Central Kentucky proposes to issue and sell to Columbia up to $2,350,000 principal amount of 3¼% Installment Promissory Notes not later than December 31, 1949. Such notes are to be unsecured and are to be paid in equal annual installments on February 15 of each of the years 1952 to 1976, inclusive. It is stated that the proceeds to be obtained through the issue and sale of the notes will be utilized by Central Kentucky (i) to restore its working capital which has been depleted by prior construction requirements and (ii) in connection with its construction program for the year 1949, which program, it is estimated, will require approximately $2,081,000 of financing.

Such joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3666; Filed, May 9, 1949; 8:47 a. m.]

[File No. 70-2116]

SOUTHERN NATURAL GAS CO.
GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of May A. D. 1949.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Section 7 of the act has been designated by the declarant as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 16, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 16, 1949, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Southern proposes to issue and sell 141,858 additional shares of its common stock having a par value of $7.50 per share. The additional shares would be offered for subscription pro-rata to the stockholders of Southern in the ratio of one share for each ten shares held of record at a price to be fixed by the Board of Directors. Such 141,858 shares includes a maximum of 679 shares to be offered for subscription to the minority stockholders of Alabama Gas Corporation to the extent that such minority stockholders exchange their holdings for common stock of Southern, under an existing offer of exchange, on or before the record date for pro-rata subscription. Transferable warrants evidencing such right to subscribe for the additional shares would be issued to all holders of record of Southern's common stock. Southern states that the record date for the issuance of the warrants, the date of the expiration of the warrants, and the subscription price of the additional shares of common stock will be supplied by amendment.

Southern further proposes that each warrant will also give the holder thereof who has exercised the same for pro-rata subscription, the privilege of subscribing at the same price for additional shares, subject to certain conditions and to allotment as therein provided, out of the shares of Southern's common stock, if any, not taken for subscription on the basis described above.

The declaration states that the proceeds from the sale of the said additional shares of Southern's common stock will be used for construction of additions and extensions of its properties and for an additional investment in the common stock of its subsidiary company, Alabama Gas Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3670; Filed, May 9, 1949; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13091]

CLARA SCHOLL

In re: Trust under deed of Clara Scholl dated July 12, 1932. File F 28-14175 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Scholl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Eva Scholl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated July 12, 1932, between Clara Scholl, Donor, and the Chicago Title and Trust Company, Trustee, presently being administered by the Chicago Title and Trust Company, 69 West Washington Street, Chicago 2, Illinois, Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Eva Scholl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3650; Filed, May 6, 1949; 8:56 a. m.]

[Vesting Order 13168]

ANNA IDA MEYER AND INDUSTRIAL TRUST CO.

In re: Trust agreement dated August 17, 1936, by and between Anna Ida Meyer, settlor, and Industrial Trust Company, trustee. File No. F-28-8624-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Scheibe, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated August 17, 1936, by and between Anna Ida Meyer, settlor, and Industrial Trust Company, trustee, presently being administered by Industrial Trust Company, trustee, 111 Westminster Street, Providence, Rhode Island, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3652; Filed, May 6, 1949; 8:53 a. m.]

[Vesting Order 13159]

FRIEDA WIEDBUSCH

In re: Estate of Frieda Wiedbusch, deceased. File No. D-28-11694; E. T. sec. 15902.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Wiedbusch, Karl Schmidt, and Wilhelm Wiedbusch, whose last known address was, on February 11, 1949, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $3700.40 was paid to the Attorney General of the United States by Anna Salow and Walter Salow, Co-executors of the estate of Frieda Wiedbusch, deceased;

3. That the said sum of $3700.40 was accepted by the Attorney General of the United States on February 11, 1949, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $3700.40 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on February 11, 1949, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3651; Filed, May 6, 1949; 8:53 a. m.]

[Vesting Order 13171]

C. LOUISE SOEKER AND MERCANTILE-COMMERCE BANK AND TRUST CO.

In re: Trust agreement dated October 12, 1934 between C. Louise Soeker, donor, and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, trustees. File No. D-28-8129 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Soeker, Willy Windau, Frieda Windau, Johanna Thias and Anna Hollmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Willy Windau, of Frieda Windau, of Johanna Thias, and of Anna Hollmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated October 12, 1934, by and between C. Louise Soeker, donor, and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, trustees, presently being administered by Mercantile-Commerce Bank and Trust Company, Trustee, Locust-Eighth-St. Charles Streets, St. Louis 1, Missouri,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Willy Windau, of Frieda Windau, of Johanna Thias, and of Anna Hollmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3653; Filed, May 6, 1949; 8:53 a. m.]

[Vesting Order 13205]

JUTARO KASHI

In re: Cash owned by Jutaro Kashi. F-39-6413-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jutaro Kashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $360.03, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Jutaro Kashi, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3654; Filed, May 6, 1949; 8:54 a. m.]

[Vesting Order 13207]

FRIEDRICH KAYSER

In re: Bond owned by Friedrich Kayser. F-28-30135-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Kayser, whose last known address is Suederfeld Strasse 62, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) Department of Antioquia, Republic of Colombia, 7%, Secured Sinking Fund Bond, Second Series, due October 1, 1957, of $1000 face value, presently in the custody of Gans Steamship Line, 44 Whitehall Street, New York 4, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3655; Filed, May 6, 1949; 8:54 a. m.]

[Vesting Order CE-332, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Vesting Order CE-332, dated September 25, 1946, is hereby amended as follows and not otherwise: By deleting the name Marija Perc appearing in Column 1 of Item 6 in Exhibit A attached to and by reference made a part of said Vesting Order CE-332 and substituting therefor the names Katarina Belajec and Pavia Faktor.

All other provisions of said Vesting Order CE-332 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3687; Filed, May 9, 1949; 8:52 a. m.]

[Vesting Order 13169]

JOHN G. SCHAPER

In re: Estate of John G. Schaper, deceased. File No. D-28-12603; E. T. sec. No. 16794.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Klingsiek, also known as Marie Fricke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the certain sum of $873.96 payable to Mary Klingsiek, also known as Marie Fricke, pursuant to an order dated July 23, 1948, of the Orphans' Court of Allegheny County, Pennsylvania, in the matter of the estate of John G. Schaper, deceased, plus any and all accretions thereto, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bridgeville Trust Company, as trustee, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3683; Filed, May 9, 1949; 8:51 a. m.]

[Vesting Order 13195]

OLGA LOEWENTHAL

In re: Trust under will of Olga Loewenthal, deceased. File F-28-19306-G-1. Docket No. 2173.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth (Lisbeth) Matejovsky, nee Asch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Elisabeth (Lisbeth) Matejovsky, nee Asch, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust established under the will of Olga Loewenthal, deceased, presently being administered by The First National Bank of Chicago, 38 S. Dearborn Street, Chicago 90, Illinois, as Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Elisabeth (Lisbeth) Matejovsky, nee Asch, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3684; Filed, May 9, 1949; 8:51 a. m.]

[Vesting Order 13215]

ELIZABETH SCHLEMMER

In re: Estate of Elizabeth Schlemmer, deceased. File No. D-28-7470; E. T. sec. 7683.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Zeitler, Carl Greim, Hans Greim, "Jane" Greim ("Jane" being fictitious, her true name being unknown), Carl Glick, Max Vogel, Lisle Nachreiner, Maria Yahreis, Christina Pfister, John Ott, Babeth Obel, Margaret Schneider, Catherine Fisher, Sophie Hager, Lena Rosner and Jacob Ott, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Yungland (Jungland) Bund and Gesangverein of Forstenreuth, Germany, are partnerships, associations, corporations or other business organizations organized under the laws of and which have, or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That the person or persons, names unknown, who are the beneficiaries of said Yungland (Jungland) Bund and Gesangverein of Forstenreuth, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

4. That the person or persons, names unknown, having control of said Yungland (Jungland) Bund and Gesangverein of Forstenreuth, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2, 3 and 4 hereof, and each of them, in and to the estate of Elizabeth Schlemmer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

6. That such property is in the process of administration by Herbert Lowenthal, executor, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

7. That to the extent that the persons identified in subparagraph 1 hereof, the person or persons, names unknown, who are the beneficiaries of the Yungland (Jungland) Bund and Gesangverein of Forstenreuth, and the person or persons, unknown, having control of Yungland (Jungland) Bund and Gesangverein of Forstenreuth, are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3685; Filed, May 9, 1949; 8:51 a. m.]

[Return Order 326]

GRETE BLASS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Grete Blass, a/k/a Marguerite Blass, Margaretha Blass & Margarete Blass, Sea Cliff, N. Y., Claim No. 6788; March 23, 1949 (14 F. R. 1312); $35,169.66 in the Treasury of the United States.

All right, title, interest and claim of the Attorney General in and to that certain obligation orginally evidence by two (2) New York Title and Mortgage Co. Series F-1 First Mortgage Certificates, numbered 9426 and 9486, each of $10,000 face value, said interest having been noted on the records of the Trustees of Series F-1, 39 Broadway, New York 6, N. Y. Two (2) State of New York, Loan for Highway Improvement Registered Bonds, Issue of March 1911, Due March 1, 1961, Bearing Number 2843 in the Face Value of $1,000 and Number 1203 in the Face Value of $5,000, Registered in the name of "The Attorney General of the United States, Account No. 28-23224", presently in the custody of the Federal Reserve Bank, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3690; Filed, May 9, 1949; 8:52 a. m.]

[Return Order 319]

SOCIETA ANONIMA LUCCHESE OLII E VINI

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the deter-

mination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societa Anonima Lucchese Olii e Vini, Lucca, Italy, Claim No. 35670; March 23, 1949, (14 F. R. 1313); Property described in Vesting Order No. 2629 (8 F. R. 17281, December 23, 1943), relating to trade-marks registered in the United States Patent Office under the following numbers: 29,145; 56,446; 87,063; 176,690; 297,151; 299,718 and 313,385. This return shall not be deemed to include the rights of any licensees under the above trade-marks.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3688; Filed, May 9, 1949, 8:52 a. m.]

[Return Order 323]

MARTHA MEYER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Martha Meyer, Chicago 40, Ill., Claim No. 6705; March 23, 1949 (14 F. R. 1313); $474.91 in the Treasury of the United States. One-half of all right, title, interest and claim of any kind or character whatsoever of Emilia Meyer, deceased, in and to the estate of Regina S. Berla, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3689; Filed, May 9, 1949; 8:52 a. m.]

[Vesting Order 13218]

HILO DAIJINGU

In re: Real property, personal property and bank account owned by Hilo Daijingu.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilo Daijingu, whose last known address is Hilo, Territory of Hawaii, is an unincorporated society, organized under the laws of the Territory of Hawaii;

2. That Hilo Daijingu, has been, on or since the effective date of Executive Order 8389, as amended, controlled by, or acting, or purporting to act, directly or indirectly for the benefit of, or on behalf of, a designated enemy country (Japan), and is a national of a designated enemy country (Japan);

3. That the property described as follows:

a. Real property situated at Waiakea, Hilo, County and Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All that personal property belonging to Hilo Daijingu, including but not limited to shrine ornaments, equipment and furnishings, located on the real property described in subparagraph 3-a hereof, and

c. That certain debt or other obligation owing to Hilo Daijingu by Bishop National Bank of Hawaii, Honolulu, Territory of Hawaii, arising out of a savings account, Account Number 6129, entitled Hilo Daijingu Hosai Kai, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That the person named in subparagraph 1 hereof is controlled by or acting for or on behalf of a designated enemy country (Japan), or persons within such country, and is a national of a designated enemy country (Japan);

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 3, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain pieces or parcels of land situate at Waiakea, Hilo, County and Territory of Hawaii, bounded and particularly described as follows:

Parcel 1: Beginning at the South corner of this piece, on the East side of Manono Street Extension and on the Northwest side of L. C. A. 2603 to Napeahi, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1859.86 feet North and 9141.00 feet East, as shown on Government Survey Registered Map No. 2538, and running by true azimuths:

1. 180° 00′ 44.18 feet along east side of Manono Street Extension;

2. 290° 39′ 18.23 feet along Hawaii Consolidated Railway Company's right of way;

3. 24° 19′ 41.42 feet along L. C. A. 2603 to Napeahi, to the point of beginning;

The same being parcel No. 1, as described in that certain land patent No. 8289, issued by the Governor of the Territory of Hawaii on the 28th day of September, A. D. 1923, and having an area of 377 square feet.

Parcel 2: Beginning at the North corner of this piece and on the East side of Manono Street Extension, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1789.69 feet North and 9141.0 feet East, as shown on Government Survey Registered Map No. 2538, and running by true azimuths:

1. 306° 45′ 30″ 188.21 feet along L. C. A. 2603 to Napeahi;

2. 125° 15′ 00″ 184.64 feet along Government Remnant;

3. 180° 00′ 00″ 6.07 feet along Manono Street Extension to the point of beginning;

The same being parcel No. 2, as described in that certain land patent No. 8289, issued by the Governor of the Territory of Hawaii on the 28th day of September, A. D. 1923, and having an area of 457 square feet.

Parcel 3: The tract of land known as one-half of L. C. A. 2603, Napeahi, more particularly described as follows:

Beginning at the Southwest corner of (L. C. A. 2603 Napeahi) and running:

North 15° 00′ East (Mag.) 49.5 feet;

South 67°10′ East (Mag.) 222.5 feet to Division Line across (L. C. A. 2603 Napeahi);

South 25° 00′ West (Mag.) 80.5 feet along Waiakea;

North 56° 00′ West (Mag.) 218.0 feet along to the point of beginning.

Parcel 4: That tract of land known as one-half of L. C. A. 2603, Napeahi, more particularly described as follows:

Beginning at the northwest corner of (L. C. A. 2603 Napeahi) on edge of Wailoa, and running:

South 75° 00′ East (Mag.) 231 feet along Hale;

South 25° 00′ West (Mag.) 80.5 feet along Waiakea;

North 67° 10′ West (Mag.) 222.5 feet Division Line across (L. C. A. 2603 Napeahi);

North 15° 00′ East (Mag.) 49.5 feet along to the point of beginning.

The said third and fourth parcels hereinbefore described are those conveyed by deed of H. Hackfeld & Company, Limited, a corporation, to Matson Navigation Company, a corporation, dated October 7, 1908, and re-

corded in the Hawaiian Register of Conveyances, in Liber 310, at pages 176 and 177;

Reserving and excepting from and out of said parcels numbers 3 and 4, hereinbefore described, all of that certain parcel of land situated in Hilo, Waiakea, South Hilo, County and Territory of Hawaii, being a portion of L. C. A. 2603 to Napeahi, and more particularly described as follows:

Beginning at the North corner of this piece, on the East side of Manono Street Extension, and on the Northwest side of L. C. A. 2603 to Napeahi, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1859.86 feet North and 9141.00 feet East, and running by true azimuths:

1. 360° 00′ 70.18 feet along the East side of Manono Street Extension;
2. 126° 45′ 30″ 29.59 feet;
3. 204° 19′ 57.58 feet to the point of beginning; Having an area of 832 square feet,

Being the same premises conveyed to G. Ishibashi by Matson Navigation Company, by deed, dated December 17, 1927, and recorded in Book 932, on pages 266–269.

Parcel 5: Portion of the Government Land of Waiakea on the East side of Manono Street Extension and adjoining Grant 8289 Parcel 2 to Matson Navigation Company.

Beginning at the North corner of this piece of land, and on the East side of Manono Street Extension, the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 1783.62 feet North and 9141.00 feet East as shown on Government Survey Registered Map No. 2538, and running by true azimuths:

1. 305° 15′ 184.64 feet along Grant 8289 Parcel 2 to Matson Navigation Company;
2. 90° 00′ 150.77 feet along Lot "EE" of land conveyed by the Territory to Hilo Railroad Co. (Hawaii Consolidated Railway Co. Ltd.) by Deed dated May 22, 1912, and recorded in Liber 370 Page 49;
3. 180° 00′ 106.56 feet along the East side of Manono Street Extension to the point of beginning.

[F. R. Doc. 49–3686; Filed, May 9, 1949; 8:51 a. m.]